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NORTH CAROLINA LEGISLATURE.

[REPORTED EXPRESSLY FOR THE DAILY JOURNAL.]

SENATE.

THURSDAY, Feb. 1.

The Senate was called to order at 11 o'clock A. M.

Prayer by Rev. Dr. Mason of the Episcopal Church.

The journal of yesterday was read and approved.

Mr. McLean presented a memorial from Harnett county, praying for relief from the State, on account of rosin being taken by State agents from memorialists, which was referred to the committee on Propositions and Grievances.

On motion of Mr. Gash, the vote to amend the charter of the town of Fayetteville was reconsidered and on motion of Mr. Jones of Columbus, the rules were suspended and the bill was put on third reading. The question ensuing on the passage of the bill, the ayes and nays were called, and the bill was rejected by nays 23, yeas 13.

A message from the House proposing to go into joint vote for the election of two additional Trustees of the University of North Carolina. Not agreed to.

Mr. Wiggins, from the Committee on Finance, to whom was referred the communication from the Auditor, asking for the right to issue certificates, with an allowance of certain fees to the Clerk, reported back the same, and asked to be discharged from its further consideration.

Mr. Strickland, from the Committee on the Judiciary, to whom was referred the bill for the relief of bondsmen, reported back the same with a recommendation that it do pass.

Mr. Jones of Rutherford, from the Committee on Privileges and Elections, to whom was referred so much of the Governor's message referring to frauds in elections, reported back the same, and asked to be discharged from its further consideration.

Mr. Strickland, from the Committee on the Judiciary, to whom was referred the bill for the relief of Bedford, reported back the same with a recommendation that it do pass.

Mr. Jones of Rutherford, from the Committee on Privileges and Elections, to whom was referred so much of the Governor's message referring to frauds in elections, reported back the same, and asked to be discharged from its further consideration.

Mr. Bynum introduced the minority report of the joint select committee relative to the extra session of the General Assembly, and asked to be printed, and made a special order to-morrow at 11 o'clock.

Mr. Phillips, from the Judiciary Committee, to whom was referred the bill to prohibit the granting of the dilapidation of certain liquors from sale, reported that they had considered the same, and recommend the following amendments, to see: Strike out 15th day of February, and insert 1st day of March. In sec. 1st, strike out all after enacted, and insert "or imprisoned, or both, in the discretion of the court." Strike out sec. 2d, and report that it do pass.

Mr. Green, from the Committee to whom was referred the bill relating to the collection of taxes on distillation of spirituous liquor, reported back the same, and on motion it was laid on the table.

Mr. Arendell offered a resolution requesting that the House be sent to the House, proposing to raise a joint select committee of three on the part of the Senate and four on the part of the House, whose duty it shall be to prepare and report a bill to consolidate the N. C. Railroad and the Atlantic Railroad, should they deem such consolidation advantageous to the State.

Mr. Cook introduced a resolution to furnish each County Court Clerk with a copy of the Revised Code, because that have not been heretofore furnished also those who have had them destroyed by fire, and on his motion the rules were suspended, and the resolution was adopted with an amendment including all the acts of the General Assembly since the publication of the Revised Code.

Mr. McKay introduced a bill to amend the act of incorporation of the town of Clinton, Sampson county. [The bill provides for the taxation of certain grades of dealers in spiritous liquors.] Passed its first reading.

A message from the House transmitting a message from the Governor, which was referred to the committee on Finance.

A message from the House transmitting three additional names for the appointment of Magistrates of Edgecombe county, which was concurred in.

Also, a bill authorizing certain proceedings of the Cape Fear Navigation Company, which was read first time and referred to the committee on the Judiciary.

Mr. Cowles, from the committee on Claims, to whom was referred the resolution in behalf of Mr. Darby Kinsey, reported back the same with a recommendation that it do pass, and on motion of Mr. Jones of Wake, the rules were suspended, and it was read a second time.

The following bills, providing for the payment of certain bonds, now due, coming, &c., and which was laid on the table, was taken up for consideration.

Mr. Cook, in the absence of Mr. Cowles, moved the following amendments, to see: Strike out the resolution in making an appropriation for the improvement of Capitol Square, which was taken up and passed its second reading.

Mr. Holderby offered a resolution instructing the committee to consider the provisions of the act concerning the statute of limitations ratified on the 15th day of February, 1866, with a view to ascertain whether the same ever had any force or effect, and if so, whether or not the provisions of said act are yet in force, and if not, to indicate the time when it ceased to operate, and report by bill or otherwise. Adopted.

Mr. Cook introduced a bill to prevent persons carrying pistols without a license, which was referred to the committee on finance.

The Senate bill authorizing coupons to be taken in payment for State taxes came up on its second reading, and, on motion of Mr. Berry, was laid on the table.

On motion, the Senate adjourned until to-morrow at 11 o'clock.

HOUSE OF COMMONS.

THURSDAY, Feb. 1st, 1866.

The House was called to order at 10 o'clock, A. M.

Prayer by Rev. Dr. Mason, of the Protestant Episcopal Church.

The Journal of yesterday was read and approved.

The resolution authorizing the Governor to appoint commissioners to investigate the affairs of the Albemarle and Chesapeake Canal Company, passed its several readings under a suspension of the rules.

Mr. Moore of Chatham, introduced the following resolution:

Resolved, That this Legislature appoint a special committee to confer with the Governor, and the Governor with the President, and the President with Congress, informing them that North Carolina has done all demanded of her, and she is not admitted yet, and if there is anything demanded of us for our restoration, to let us know it.

Referred, on motion of Mr. Russell, to the committee on Federal Relations.

ON CALENDER.

An engrossed bill to incorporate Salem Female Academy, passed its second and third readings under a suspension of the rules.

"A bill to authorize the establishing a Court of Arbitration in each county in this State, by the Court of Pleas and Quarter Sessions, in each county." The committee on the Judiciary had reported adversely to the passage of this bill. After some discussion, in which Messrs. Caldwell, Blythe and Crawford urged the adoption of a similar measure, and Mr. Smith of Hertford, supported the views of the committee, the bill was referred, on motion of Mr. Caldwell, to a select committee.

A resolution appropriating $44,417 00 for the support of the Asylum for the Insane, passed its second and third readings under a suspension of the rules.

On motion of Mr. Holderby, a message was sent to the Senate proposing that the two Houses proceed forthwith to the election of two Trustees for the University.

Mr. McDonald, (by leave,) introduced a bill to extend the time for the redemption of lands sold for taxes. Referred to the committee on Finance.

A bill to provide for the payment of the Federal land tax, for the year 1861, was laid on the table, on second reading, under an adverse report from the committee on Finance.

Mr. Manly, (by leave,) introduced a bill concerning Attorneys at Law. Referred to the committee on Federal relations. [Authorizes the Clerks of the Supreme Courts to issue Attorney's licenses to Attorneys at Law from other States, on evidence adduced that they are regularly licensed to practice law in the higher courts of their respective States, and that they are of good moral character.]

A message was received from the Senate refusing to concur in the proposition to elect forthwith two Trustees of the University.

A bill to incorporate the English and American Wool and Vine growing, Manufacturing, Mining and Agricultural Association in the United States of America, was ordered to be printed and postponed until 11 o'clock to-morrow.

"A bill to protect the culture of the grape and other fruits," was amended on its 2d reading by making the stealing of watermelons a larceny, at the instance of Mr. Teague. The bill as amended passed its 2d reading.

A bill to amend the charter of the Macon County Turnpike, passed 2d and 3d readings under a suspension of the rules.

SPECIAL ORDER.

At noon, the House, pursuant to order, resolved itself into Committee of the Whole, Mr. Rayner in the Chair, and proceeded with the consideration of the bill concerning Negroes, Indians and persons of color, or of mixed blood.

The question recurring on the motion of Mr. McNair to strike out the 11th section, Mr. Jenkins of Warren, addressed the committee in support of the motion.

Mr. Jenkins took the position that this was a white man's government, and characterized as erroneous the intimation thrown out in the report of the Commission, that the Supreme Court of this State had decided that free negroes are citizens. He undertook to say that no such decision had ever been made.

Mr. Phillips replied at length. At the close of his remarks, on motion of Mr. Hoke, the Committee rose, reported progress, and obtained leave to sit again at noon to-morrow.

A message was received from His Excellency the Governor, transmitting a memorial from the Trustees of the University, which was sent to the Senate, with a proposition to print and refer to the Committee on Finance.

The House then adjourned until 10 o'clock to-morrow.

SENATE.

FRIDAY, Feb. 2d, 1866.

Prayer by the Rev. A. Smedes, D.D., of the Episcopal Church.

Reports from standing committees were submitted and received as follows:

PENITENTIARY

By Mr. Winstead from the committee on Propositions and Grievances, a bill to establish a Penitentiary and Work Houses, with a recommendation that it do not pass.

TAX ON PISTOLS.

By Mr. Bynum from the committee on Finance, bill to prevent the carrying of Pistols in this State without license, asking to be discharged from its further consideration, as the bill involves a question of public policy rather than of finance. The bill proposes to require a licence from the County Court Clerk to carry a pistol, for which one dollar is to be paid.

STATE AND NATIONAL BANKS.

By Mr. Leach, of Davidson, from the committee on Banks and Currency, bill for the relief of the people by authorizing the Banks of the State to subscribe for stock in the National Banks, recommending its passage. [This bill has been published in full.]

TRUSTEES OF THE UNIVERSITY.

On motion of Mr. Wiggins, a message was sent to the House, proposing to go forthwith into an election for two Trustees of the University. The House subsequently concurred, and an unsuccessful ballot was had.

FAYETTEVILLE.

Mr. Howard moved that the vote by which the Senate, on Yesterday, rejected the bill to authorize the Mayor and Commissioners of Fayetteville to issue certificates of indebtedness and appoint assessors of taxables, be reconsidered.

Mr. Howard stated that the friends of the bill had made this request of him, not with any intention of again pressing the objectional section upon the Senate, but in order to strike out that section which authorizes the issuing of certificates of indebtedness, in order to pass the other sections to which there is probably no objection. The motion prevailed.

THE UNIVERSITY.

A message was received from the House transmitting a message from the Governor concerning a memorial from the Trustees of the University, with a proposition to print and refer to the committee on Finance. The Senate concurred. [This interesting paper will be furnished for publication to-morrow.]

Bills and resolutions of the following titles were introduced and disposed of as follows:

SUPREME COURT AND TAX-PAYERS.

By Mr. Morehead: A bill giving original jurisdiction to the Supreme Court in certain cases. Referred to the Judiciary.

[The bill provides 1st: When tax-payers have paid the tax imposed by ordinance of the Convention, or who have refused to answer on oath as prescribed therein, and where there is controversies between the Public Treasurer and citizens as to property, and also for damages where the property has been converted, that in all such cases the Public Treasurer and the tax-payer or party who claims such property or damages, or from whom such property or damages may be claimed, may make up a case agreed and transfer the same to the Supreme Court, and if the decision shall be against any citizen, the court shall award execution as in other cases. *Provided, however*, that an appeal or writ of error to the Supreme Court of the United States shall be allowed. 2d. In all indictments for non-compliance with the twenty-first section of said ordinance, the Solicitor for the State, at the suggestion of the Public Treasurer, enter a *nolle prosequi*. 3d. That further time, until the first day of August, 1866, be allowed to any tax-payer who may have refused to comply with the provisions of said section; and such tax-payer may, on or before that day, pay his taxes to such person, who, at the time of payment may be the sheriff, and such sheriff shall pay the taxes thus collected on or before the first day of October, 1866. 4th. Provides for the payment back by the State of any taxes wrongfully collected, or where the decree is in favor of the citizen.]

LUNATIC ASYLUM.

Engrossed resolution from the House making an appropriation for the Lunatic Asylum. Filed.

ALBEMARLE AND CHESAPEAKE CANAL COMPANY.

From the House engrossed resolution to appoint commissioners on the condition of the Albemarle and Chesapeake Canal Company. Filed. [Provides for the appointment by the Governor of two, three if he deems necessary, commissioners to make examination of the condition and management of the A. and C. C. Company.]

PROTECTION TO THE GROWTH OF FRUIT.

From the House engrossed bill to protect the culture of the grape and other fruits. Filed.—[Makes the stealing of any fruit in the field larceny, and the injury of any tree, shrub, vine, &c., which has been planted for use or profit, a misdemeanor, punishable with fine or inprisonment, or both; the fine not to exceed $100, and the imprisonment three months, and the injury of each tree, vine, &c., shall be deemed a separate offence.]

OLD AND NEW SESSION.

The special order came up for discussion in regard to the *status* of the present session, and after a thorough discussion by Messrs. Wilson, Howard and Bynum, the minority report in reference to the *status* of the present session was adopted, with an amendment to the first resolution of Mr. Howard, inserting after the word "declared" the words "and was so intended." The resolutions are as follows:

1. *Resolved by this General Assembly, the House of Commons concurring*, That the sitting of this General Assembly, which began on the 27th day of November, 1865, and terminated by adjournment on the 18th December, 1865, constitutes and is hereby declared and was so intended to be one session of this General Assembly.

2. *Resolved*, That the sitting of this General Assembly, convened by the proclamation of the Governor on the 18th January, 1866, constitutes and is hereby declared to be one session of the General Assembly.

3. *Resolved*, That the present session of the General Assembly be brought to a close on the third day of February, 1866 by adjournment, to meet again on the 5th day of February, 1866.

4. *Resolved*, That the unfinished business depending in the two Houses of the General Assembly on the adjournment at the close of the present session, shall be continued over and resumed at the next session, which is to meet on the 5th day of February, 1866, as if there had been no adjournment.

NORTH CAROLINA AND ATLANTIC RAILROADS.

The House refused to raise a joint select committee to inquire into the necessity of uniting the North Carolina and the Atlantic and North Carolina Railroads, but proposed to refer the subject to the joint select committee on Railroads.

Mr. Arendell moved to lay the matter on the table, and gave notice that he would at an early day introduce a bill to consolidate these two Railroads. The motion prevailed.

On motion of Mr. Leach, of Davidson, the Senate adjourned until to-morrow at 11 o'clock.

HOUSE OF COMMONS.

FRIDAY, Feb. 2, 1866.

The House was called to order at 10 o'clock, A. M.

Prayer by Rev. Albert Smedes, D. D., of the Protestant Episcopal Church.

The Journal of yesterday was read and approved.

Mr. Paschall introduced the following resolution, which was adopted:

Resolved, That the committee on the Judiciary be instructed to inquire whether any, and what relief, can be provided by legislative action for guardians and others acting in a fiduciary capacity, from liabilities for losses arising out of investments in the bonds and other securities of the Confederate States, and of this State, issued during the late war, and that they report by bill or otherwise.

Mr. Blythe introduced a bill to perpetuate liens upon real estate. Referred to the committee on the Judiciary.

ON CALENDAR.

A bill to incorporate the North Carolina Emigration company, passed second and third readings under a suspension of the rules.

A bill to enlarge the jurisdiction of Justices of the Peace, was laid on the table on second reading, under an adverse report from the committee on the Judiciary.

A bill to punish breaking into a house in the day time, was rejected on second reading.

A bill to amend Chapter 114 Revised Code [in relation to usury.] Laid on the table, there being another bill of like nature heretofore refe red and ordered to be printed.

A bill to amend 30th section, 54th Chapter Revised Code, was laid on the table on second reading.

A bill to incorporate the "English and American Wool, and Vine-growing, Manufacturing, Mining and Agricultural Association of the United States of America," was put on its second reading.

Mr. Henry, of Bertie, moved that the bill be amended by providing that a majority of the directors of this corporation shall be *resident* citizens of North Carolina. Not agreed to, aeys 37; nays 41.

Mr. Henry, moved to amend by requiring the location of all of the offices of this corporation, in the State of North Carolina. Not agreed to.

Mr. Wilson, opposed the passage of the bill. He was unwilling to encourage wholesale emigration. He thought such an influx of foreigners would be detrimental to the best interest of the State.

Mr. Hoke said he had no interest in the bill, outher than the desire that all should feel to introduce a strong, reliable laboring element into the State. There was a general conviction of the existence of such necessity, as no reliance could be placed upon negroes as a laboring class.

The bill, on motion of Mr. Baxter, was referred to the committee on the Judiciary.

"A bill to repeal an act authorizing the President and Directors of the Literary Fund to elect a Treasurer and prescribe his duties," passed its 2d and 3d readings under a suspension of the rules.

Mr. Yellowly, (by leave,) introduced "a bill to amend the charter of the town of Greenville."

Mr. Russell, "a bill to regulate the pleadings in the courts of law in this State." Referred to the committee on the stay law.

Mr. McDonald, a resolution, that the committee on Finance be instructed to enquire and report as to the expediency of amending the existing law, granting time to persons whose land has been sold for taxes in which to redeem the same, as to extend the term of redemption from *one* to *three* years. Adopted.

A message was received from the Senate, proposing to raise a joint select committee, to consider the expediency of consolidating the North Carolina and the Atlantic and North Carolina Railroads. The House refused concurrence, and, on motion of Mr. Manly, a message was sent to the Senate, proposing to refer the matter to the joint standing committee on Railroads.

The House concurred in a message from the Senate, proposing to elect forthwith two Trustees of the University.

The names of Hon. D. G. Fowle, Dr. E. Benbow, Col. Yellowley and P. Horton, Esq., were withdrawn from nomination.

Mr. Nicks nominated H. M. Waugh, Esq.

The House then proceeded to vote *viva voce*.

The following engrossed resolutions had their first reading and were referred, viz:

A resolution in favor of Drury King; a resolution to furnish the Revised Code to Clerks who have not been heretofore supplied, and a resolution in relation to the Public Square.

Mr. Hoke introduced a bill to create a State Agent. Referred to the committee on Federal Relations.

SPECIAL ORDER.

Pursuant to order, the House, at 12 o'clock M., resolved in the committee of the whole, and resumed consideration of the bill concerning negroes, Indians and persons of color or of mixed blood.

Mr. Rayner was again called to the chair, and the question recurring on the motion of Mr. McNair to strike out the 11th section of the bill.

Mr. Jenkins, of Warren, replied at length to the remarks made by Mr. Phillips on yesterday.

Mr. McNair followed in support of the motion to strike out.

Mr. Barnett opposed the motion.

Mr. McKay thought the admission of negro evidence in courts of justice followed, as a necessary consequence to the abolition of slavery.

Mr. Hutchison also opposed the motion.

Mr. Phillips again addressed the committee in reply to Messrs. Jenkins and McNair, and at the close of his remarks the committee rose, reported progress, and obtained leave to sit again on Monday next.

Mr. Gaines, from the committee that superintended the election of Trustees of the University, reported that there had been no election.

The House then adjourned until 10 o'clock, A. M. to-morrow.

The Boston *Post* says: General Butler, in the long course of his criminal practice at the Massachusetts bar, cheated the gallows so often by his ingenuity, that he is now anxious to atone for his conduct by making drafts upon the late Confederates in favor of Jack Ketch.

OUR NEW YORK CORRESPONDENCE.

The Moderate Republicans and the President—Opposition to Radical Legislation—What the People think of Negro Suffrage—The Mexican Question—Abatement of the Monroe Doctrine Fever—Rumored Early Recognition of the Empire—Amusements of the Colored Population—Concerts and Lectures—Furious Attack on the President by Fred. Douglass—State of the Markets, etc.

From Our Own Correspondent.

NEW YORK, Jan'y 30, 1866.

Henry J. Raymond's speech in the House of Representatives yesterday is regarded with great favor by his Republican friends here. Mr. Raymond's Republican friends are not the half-crazed fanatics of the Sumner school. They are mostly to be found among the commercial and general business classes. They are the practical men of the Republican party and though on some points they sympathize and work with the opposite faction of theorists, yet on questions of such great importance as that which elicited Mr. Raymond's views yesterday, they may be relied on to support the moderate side. It is because the Radicals who want to revolutionize the government are such a noisy set that they manage to keep the affairs of the country disturbed. They are constantly making intemperate speeches, proposing mischief-working resolutions, or offering destructive amendments to the constitution, and by these means they succeed in keeping public attention rivited on their proceedings. But they do not represent even a respectable minority of the Republicans of this city, and their course in Congress and elsewhere is condemned by at least two-thirds of the sound-thinking, intelligent men of the party which they claim to represent.

Whatever may be the result of the vote on the Constitutional amendment in the lower House today, it is morally certain that if that amendment were submitted to the Northern people, it would be promptly defeated. I make a distinction between the people and their State Legislators; for the latter are mostly of that noisy class who secure preferment by stilted declamation. They can make what are called good speeches, and that questionable qualification is usually sufficient to secure them success at the polls on election day—particularly in the rural districts, where oratory and statesmanship are too often confounded. But let the negro franchise question be submitted directly to the people; give each man a fair opportunity to examine it for himself, and its defeat would be as certain as its submission. The conservative Republicans, and they form an overwhelming majority of that party in this city, are becoming tired of this interminable talk about the negro. They want the political affairs of the country settled just as soon as possible, and they stand on the same platform with the President on all questions affecting the interests of the whole country.

In the present unsettled condition of Southern industry, all right-thinking men see the positive effect of the exclusion of Southern representatives from Congress, and of the agitation of the negro suffrage question by the Sumner Radicals. The President has frequently declared in unofficial conversations that the South should be admitted to full representations in Congress at once, and that her exclusion therefrom by the infernal spirits who engineered the select committee of fifteen, amounts to a positive crime, when viewed in its political aspect. He would have every Southern representative admitted to-morrow, if he could; but as he cannot do that, he is determined to do the next best thing he can for the South. He will give no countenance to any measure designed to place the South in a disadvantageous position as regards its rightful power and influence. He will stand between the South and its Radical enemies—not because he loves the South better than any other portion of the country, but because he will not sanction what is wrong—and when the time comes for him to move in that direction, he will do it by vetoing such measures as have been framed for the degradation and virtual enslavement of the Southern people. Let those who complain that Mr. Johnson has been too exacting in his conditions of reconstruction reflect that he is the best friend they have in authority, and rest assured that he will do what he believes to be *right*, regardless of the slurs and insults which the Radicals have already begun to put upon him.

The people of this city seem to be recovering from the lunacy into which they were lately precipitated by the agitation of the Monroe doctrine, and there is good ground for hope that their recovery will soon be complete. Their convalescence is due to a compound of second-sober thought and Mexican dispatches. The first of these ingredients has enabled them to work off the preposterous idea that it is the duty of the Government to supervise the political affairs of the whole American continent, and the second is just beginning to clear their brains of the notion that Republicanism is the only form of government worth living under. The four leading papers of this city—the *World*, *Tribune*, *Times* and *Herald*—have capable and efficient correspondents in different parts of Mexico, and these writers keep us well informed on the military and political situation in that country. No one can read their letters without becoming convinced that the Liberal cause is hopeless; and furthermore, that Republicanism, in its American sense, is not the proper form of government for the Mexican people. They want a strong hand to control them, to protect their rights, compel obedience to the laws, encourage enterprise, foster industry and promote the material interests of the whole country. Most of the Northern correspondents now in Mexico went there imbued with all the popular prejudices against Maximilian; but notwithstanding, they now admit that Republicanism is a failure there. They represent the people as being in constant dread of the marauding forces which still carry the banner of Juarez, and say that the intelligent and industrial classes are loyal to Maximilian and anxious for his recognition by the United States. And indications are not wanting that the Empire will be recognized in Washington. The Havana correspondent of the World, writing on the 23d inst., says that during Secretary Seward's brief sojourn there he had a private interview with an aid-de-camp of the Emperor Maximilian. This statement has given rise to the surmise that Mr. Seward is paving the way to a recognition of the Empire, and I can assure you that such a course on the part of the Washington Government would not be at all distasteful to a very respectable portion of our population.

The colored element had what the vulgar would call "a high old time" last night. About three thousand vari-colored dandies and damsels assembled at the Cooper Institute to hear some musical notes from the "Black Swan," *alias* Miss Greenfield, and they were as proud and gay as any collection of pea-cocks ever seen strutting about a farm yard. The Black Swan has been starring in Europe for some time past, and her return to the land of the contraband was hailed with exuberant delight by the entire winter-colored population.—She has a very good double voice, and some of the critics were so enchanted by it last night that they immediately wrote long articles in English, French and Italian about it, which articles they had printed in this morning's papers. I understand that some enterprising colored gentlemen propose to erect a first class opera house in this city, and the only difficulty in the way at present is the want of money. Miss Greenfield's notes are very good in their way, but in a financial point of view they are not equal to greenbacks.

There was a large gathering of fanatics at the Brooklyn Academy of Music last night to hear Fred. Douglass's lecture on "Assassination and its Lessons." The black orator was introduced by Tilton, of the Independent, and spoke for two hours on the wrongs and rights of his race. When he came to the first word of his subject, he honestly confessed his inability to do justice to it, and then, by way of appeasing the audience he pitched into President Johnson a little heavier than Sumner has yet dared to. He went in for universal suffrage, and said if Lincoln were alive, he would be in favor of it. "But," said Fred., "there is a change in Washington now. Had that great, good man lived, loyal black men would not have been insulted in Washington as they were by Andrew Johnson, when he told them to go home and work, and prove that they were entitled to freedom."—Fred. then said that Jefferson Davis is a great criminal, but Andrew Johnson is a greater. Davis never deserted his friends, but the same could not be said of Johnson. He deserted the noble, lion-hearted black men whose blood has cemented the States in an indissoluble Union. From the applause which greeted Fred.'s denunciations of the President, I should think that a considerable number of Brooklynists are in need of being reconstructed.

Dullness is still the prevailing feature of the markets. The stocks on hand are unusually heavy, and buyers still hold back in anticipation of a decline. Cotton is in fair demand, but prices have declined to 48 @ 50 cents for middling. The receipts at this port since Sept. 1 are 519,886 bales, of which 76,478 bales arrived since the 1st inst.—The following quotations for domestic dry goods may be useful to your mercantile readers: Brown Sheeting Stock—A, 31½; M, 27; O, 25. Pepperell—E, 28; K, 27; O, 25. Bleached Shirtings: Wamsutta, 47; Langdon, 40; Redbank, 27. Prints: Merrimack, 26; Richmond, 23; Amoskeag, 21½; Arnold, 20½; Wamsutta, 18½. De Laines, 25 @ 29; Ginghams, 30; Brown Drills, 32; Corset Jeans, 36; Canton Flannels, 47½; Ticks, 55 @ 65; Denims, 54; Stripes, best, 42. There is no change to report in the financial market. Stocks of all kinds continue dull and heavy.

C.

IMPORTANT LETTER FROM GOV. ORR TO THE PRESIDENT.

Pernicious effects of the Freedmen's Bureau—its Officers refuse to Co-operate with the Government.

Governor Orr, of South Carolina, under date of January 19th, 1866, addressed a long letter to the President, in relation to the Sea Island lands, from which the following extracts are made:

In the lower part of the State, scarcely a contract has been or can be made. The delay in carrying out your instructions of last October positively, while it has continued from Gen'l Howard's visit to Captain Ketchum's return, within the past few days, renders the freedmen, as a body, incredulous of any restoration. They have in many places quietly but firmly refused to accept any terms; but, I regret to say, that within the last few days they have in some instances resorted to violence—burning down dwellings, destroying bridges, intrenching themselves in their quarters and refusing either to contract or to give way to those who will. And in these cases, it is proper to say, that the contracts offered them have been approved by the Unised States authorities as liberal and just. This is not unnatural, for as long as the freedman has reason to believe that the Government will give him a homestead of forty acres, he will not voluntarily work for wages. It cannot, I think, be denied that the action of the Freedmen's Bureau in this State has largely contributed to this unfortuate result. Without entering into the minute detail of its administration, I am constrained to say that there is, to my mind, sufficient evidence of an unwillingness to co-operate cordially with the policy of the Government. Certificates of title have been in some cases granted to persons filling none of the conditions even of Gen. Sherman's order, and have been given to chance visitors to the Islands for lands, not only for themselves, but for their friends who had never been away from their homes in the interior. Great delay has been interposed in the execution of the forms necessary to restoration, and the bureau has, indeed, gone far to defeat the very object of your orders, for it has decided that where a freedman refuses to contract on any terms, however just, that in such case there can be no mutually satisfactory arrangement, and his refusal acts as a bar to restoration.

In addition to this, the whole of the Parish of St. Helena, and a great portion of St. Lukes, comprising the body of the estates which, in intrinsic value, in their former amount of product, cannot be surpassed by an equal extent of country in any State of the Union, have been appropriated by the government under the provisions of the direct tax act. These lands are occupied by freedmen; some under the pretence of allotment; some under pretence of purchase; some under pretence of General Sherman's order, and most under no pretence at all. The Tax Commissioners charged with the execution of these acts have manifested these sympathies as the agents of the Freadmen's Bureau, and this whole section of country is held out as not a home of the refugees, but is a land of promise for every indolent freedman in the State.

Finally, a bill has been reported to Congress, and is now under discussion, by which the titles granted under General Sherman's field orders are to be confirmed for three years. I do not think, therefore, that I am risking either an extreme or doubtful opinion when I say that the chief cause of all our difficulty, in finding a solution of this question of labor, proceeds from the action of the government encouraging the belief that the sea coast region of South Carolina is to be confiscated for the purpose of establishing a system of independent colonization for the freedmen. If this is not so, then the interests of this State require that this impression, so generally prevailing, should be authoritatively denied, and that those who, for purposes of personal interests or of political agitation, are endeavoring to prolong and to exaggerate our present embarrassment, should be deprived of so effective a means of mischief. Can any reason be found why the planter on the coast, who was driven from his home in 1861 or 1862, should now have his lands appropriated for distribution, while his fellow-citizens of the middle or upper districts, whose estates have been untouched, whose industry has been undisturbed, but has participated as fully and heartily in the war, shall be confirmed in possession of his? The policy of which, as a Representative of the State, I complain is the partial and unjust confiscation of the property of a small portion of citizens, including a large number of unoffending widows and orphans, to be given in the same spirit of injustice in which it is taken, to persons having no claim for special consideration at your hands. The mere introduction of the bill for confirming these titles has had an immediate and injurious effect. It has checked the energy which was beginning to manifest itself; suspended the contracts which were in process; arrested the spirit with which the planters were preparing to go to work hopefully and heartily, and stopped at once the investment of an Northern capital which was beginning to find profitable employment in Southern fields. Now, if the occupation of these lands in the hands in which Gen. Sherman's order placed them is confirmed also, and every day will make it worse, one of two things will follow—either this section of State will nearly be abandoned to its fate, and its miserable population, dwindling away from disease, and want and crime, will, after a few years of mischievous vagabondage, disappear from the land, or by force or fraud they will be compelled. But if these lands are restored, their capabilities, the certain remuneration of successful cultivation, the fact that the freedmen are accustomed to the soil, mode of culture, and habits of employer, will secure to such freedmen success full contracts and the most liberal wages. The planters who can return, and the foreign capital which will occupy the places of those who cannot, will, by energy, soon recover these places, and the country will reap the benefits.

This letter of Gov. Orr was carried to Washington by a special messenger, who was too late, however, to influence the action of the Senate on the action of the Freedmen's Bureau bill relating to the Sea Islands.

The Piedmont Railroad.

We publish below the report of the Joint Committee appointed by the Legislature to inquire into the ownership, property, &c., of the above road:

The Joint Committee to whom was referred the resolution requiring them to enquire into the proper owners of the Piedmont Railroad, under what charter it was incorporated, the stockholders therein, with what funds it was built, how they were supplied with funds, and especially the property in said company, which belonged to the Confederate States and to individuals, beg leave to report: That they caused subpœnas to be issued for a number of witnesses to appear before them in Greensboro', on the 31st of January, 1866.

In consequence of the Legislature being called together in the City of Raleigh before the appointed day, they caused the witnesses to be re-summoned to appear before them in the Senate Chamber on the 5th of the same month, when and where a number of witnesses were examined before them; documentary evidence was laid before them, upon which they submit the following statements:

The committee find that the Piedmont railroad was chartered by an ordinance of the Convention of this State, ratified the 8th day of February, 1862, which ordinance was sanctioned by an act of the General Assembly of the State of Virginia, passed the 27th day of March, 1862, and authority by said act, given to said Piedmont railroad Company to extend and construct its road according to the provisions of said charter, within the limits of Virginia to the line of Danville in that State.

In regard to the proper owners of said Piedmont railroad, your committee find that the Richmond and Danville railroad company are the owners of 14,340 shares, and individual citizens of North Caronna and Virginia are the owners of 160 shares, in all 15,000 shares, of $100 each, making the sum of $1,500,000, the capital stock of said Piedmont company.

As to the funds with which the road was built, your committee report that it appears from the evidence that the road was built exclusively with funds from subscriptions to the capital stock, paid in by the stockholders, and from the current increase and resources of the Richmond and Danville road, and of the Piedmont railroad as soon as it was put to work. That the Richmond and Danville railroad company, to raise the means of paying its subscription, issued and sold its bonds, which are now out standing against that company to the amount of $826,000. The iron superstructure was obtained chiefly from several other roads, then deemed of less importance—some in Virginia and some in this State. The roads in this State, whose iron was thus obtained are the Atlantic, Tennessee and Ohio road, running from Charlotte to Statesville, and the Roanoke Valley road running from Clarksville, Va., to the Raleigh and Gaston road. The claims of these companies for such iron are secured by a bond for $100,000 with security given by the Richmond and Danville railroad company, and the Piedmont railroad company, to the United States government, upon the recent return of the Piedmont road by that government, to the Piedmont company. This security is in addition to the recognized liability of the Piedmont company to any just demands by the ordinary remedies in like manner as other individual debtors. It furthermore appears to your committee that these claims are in progress of adjustment by private negotiations between the Richmond and Danville railroad company, and the Piedmont railroad company, and the parties claiming.

Your committee further reports that by the concurring evidence, personal and documentary, the late Confederate States never held any proprietory right or interest, to the extent of one cent, nor ever claimed any such right or interest in the Piedmont road. That in the year 1862 or 1864, the Confederate States government loaned to the Richmond and Danville railroad company, one million of dollars in bonds to aid in paying off its subscription aforesaid. That sometime in the latter part of the year 1863, the Richmond and Danville railroad company received for interest on these bonds about the sum of $82,000, which that company credited to the Confederate States, on account for transportation due said company. That further than this no use whatever was made by the said company of the bonds so loaned, the arrangements for said loan having been in fact, some time in the year 1863, cancelled by agreement between the parties. The said Confederate bonds are supposed to have been [lost] in the fire that occurred in Richmond on the 3d of April, 1865.

Your committee submit herewith a copy of the order for the restoration of the Piedmont Road, from the Treasury Department of the United States, to the proper officers of the company, made by the Secretary of the Treasury and approved by the President of the United States, on the 18th day of October, 1865, together with the statements of sundry witnesses examined before the committee, as exhibited. With this report your committee therefore ask to be discharged from the further consideration of the subject.

Respectfully submitted,

A. J. JONES, Chairman,
JAS. T. MOREHEAD,
R. W. ALLISON,
R. MURPHY,
T. M. SMITH,
Committee.

A NOVEL QUESTION.—Is the proprietor of a public house compelled to receive negroes at his table? That is the question. We are informed by a gentleman who came down on the Chattanooga train, Thursday, that the post commandant closed the eating house of Joiner & Co., at Stevenson, Ala., because two negro soldiers were refused admission to dinner at the regular table. Upon their complaint, Captain Wartman sent a guard of negro soldiers, stating that if they were not allowed to eat at the regular table, the house would be closed. The landlord refused on the grounds that his customers would leave him; whereupon an order was issued closing the house at once. The proprietors have appealed to higher authorities.—*Nashville Union, 24th ult.*

ALL FOR THE NEGRO.—Mr. Stevens has given notice of a bill to give every emancipated negro a homestead, either from the confiscated estates of southern rebels, or from lands in the South owned by the Government.

The Committee on Freedmen intend to introduce a bill establishing universal suffrage throughout the United States.

The Rump Congress has not discovered that there are any white men in the United States yet. Perhaps some of them will ascertain that fact at the next fall elections.

Twelve millions of dollars is asked for the negro boarding house, generally termed the Freedmen's Bureau. But these nine Republicans think it will cost too much to pay the volunteers of 1861 and '62, equal bounties with those of a later date.

Richmond Enquirer.

THE FREEDMEN'S BILL. This bill which has passed the Senate, and is now in the House, is meeting with strong opposition from the press. The New York *Sun* sums up the bill as follows:

"The practical effect of the bill would be simply to put the whole power upon the government, to live upon the use, interest, &c., of the negroes; to give the [illegible] nothing; and to perpetuate [illegible] has, taking everything into consideration, proved such a national humbug."

THE WILMINGTON JOURNAL.

WILMINGTON, N. C., FEBRUARY 8, 1866.

THE "WILMINGTON JOURNAL."

How familiar are the above words to us, one of the original founders of this paper, the existence of which stretches back over *more than twenty-one years* of toil, and anxiety to us, and embracing within its limits many sad events the remembrance of which deeply afflict the mind with pain.

In the time of the existence of the *Journal* two Editors—partners of the writer of these paragraphs—have gone down to the deep gloom of the grave and to the brightness of another life, and in reiterating this fact, both melancholy and joyous, we again drop a tear towards their bier, and heave a sigh as deep and sincere as ever escaped from human breast, that by the inscrutable purpose of an all-controlling Providence, these intellectual giants—these big and noble hearted friends—these master minds and sterling men, should be called upon in the meridian of life and the brightest glow of their usefulness, to pay that last great debt that comes to the lot of all.

Twice we have been left alone to "see our way darkly." But in each case, as if we were a child of that influence which overcomes all obstacles and overtreads every opposing object, effective assistance has grasped us by the right hand, and a noble and generous sympathy has upheld our left. We have succeeded not only in keeping alive and sustaining the *Journal*, but have been enabled to secure partners whose editorial abilities have given a name and an influence to this journal possessed by few others in the State or the South.

But the two misfortunes above alluded to have not been the only hindrances that weighed us down and saddened us in our efforts to succeed. Family affliction has borne heavily on us, and oftentimes tempted discouragement. We have, however, relied upon the sustaining sympathy of the friends of the *Journal*, and by their good offices and steadfastness to our interests, we have tided the opposing current and still maintain our business on a firm, safe and impervious basis.

We think we may safely say that our unwavering and steadfast determination not to disappoint the expectations of the friends of the *Journal* has been fully and fairly demonstrated by the constancy and regularity of its appearance. Amid the gloom that overspread the whole community and saddened and darkened every heart during the arbitrary reign of war and pestilence, we untiringly labored to spread its broad pages of general intelligence before its numerous readers. We published it unremittingly, and those who had stood firmly by us for so many years, perused our columns in near proximity to the charnel pit, and pondered their contents amid the harsh jar and unpleasant thunders of cannon.

We had intended to resume the publication of the Weekly *Journal* in September last; but untoward circumstances, as to mail facilities, &c., deterred us in justice to those who would naturally want it. Again, since that time, we had designed to recommence its publication, but owing to the same difficulties, postponed it. Even now, though the mail routes and postal facilities of the South have not been greatly multiplied, we venture on a resumption, very well knowing that in making this expensive effort to accommodate our friends and old subscribers in the country, we sacrifice, for the present at least, much of our own pecuniary interests.

We trust, however, and confidently believe, that the good will of friends will, by their influence in our behalf, in the way of securing additions to our subscription lists, make amends for this temporary sacrifice, and aid us in extending the circulation of the *Wilmington Journal* throughout all the mercantile and *agricultural* sections of the State. We shall endeavor to make its columns a mirror of the social and commercial condition of the State and its seaports, and in compensation ask only that return which its worth may be determined to merit.

Our present partner and chief Editor, Major J. A. Engelhard, is for the present unable to assume the Editorial duties of the paper in person. Being chief clerk of the Senate of North Carolina, he is enabled to watch events going on at Raleigh and throughout the State, and by this means is enabled to give efficiency to our columns, which, if seated down in an editorial sanctum, he could not be expected to accomplish.

TO OUR OLD SUBSCRIBERS.

Owing to the mail facilities, as at present organized, we find it totally out of the question to send copies of this number of the paper to a large number of our former subscribers. We send copies to such as we think it can reach. We also send copies to such of our friends as we think will be able to get them. We would suggest to the people in the country, who wish to patronize us, to send in their subscriptions immediately, as but very few extra copies will be printed in future.

We desire to have the *Journal* in every family, as it was in former times.

Legislative Matters.

Our readers will learn from our editorial correspondence that the subject of negro testimony has occupied much of the attention of the House of Commons.

He states further, that it is a matter of great doubt if the bill admitting negro evidence can pass the House, and its fate in the Senate is still more problematical.

The bill to suspend, temporarily, the distillation o grain has been recommended by the Senate judiciary committee, with some slight amendments.

A bill has been introduced into the Senate, by Mr. Wilson, of Mecklenburg, to increase the number of Supreme Court Judges to five, instead of three, as it is now organized. To this measure we incline to think the present Chief Justice would object.

The reader will find in our correspondent's letter the titles of the acts passed during the last week.

THE Raleigh "*Standard*" says that a meeting of the Trustees of the University of North Carolina, was held in that city on the 31st January, at the Executive office.

The "*Standard*" continuing, says: The following gentlemen were appointed as the Executive Committee: Jonathan Worth, Chairman, *ex officio*, Kemp P. Battle, Hon. Thomas Bragg, Hon. John H. Bryan, Hon. Wm. W. Holden, Hon. Charles Manly, B. F. Moore, Esq.

There was a very full meeting of the Board.—The principal business which occupied the meeting, was the relief of the University from its embarrassments, occasioned by the destruction or depreciation of its finances. The discussion was long and ably conducted, resulting in the adoption of a memorial to the Legislature now in session, in behalf of the Institution. This memorial has since been presented, referred to the committee of Finance, and ordered to be printed.

EDITORIAL CORRESPONDENCE.

RALEIGH, Feb. 5th, 1866.

But little legislation of importance was completed during the week just past, while much of importance has been discussed.

In the Senate, the principal object of discussion has been the *status* of the present session of the Legislature, and the Senate, on Friday adopted the resolutions of the minority of the special committee on that subject, which has already been published in full in your columns, declaring that there had already been *two* sessions of the Legislature, and that to-day would be the third.

Mr. Bynum sustained the minority report, while Messrs. Wilson and Howard spoke in favor of the resolutions reported by the majority. It was by far the ablest and most interesting debate of the session.

The resolutions were engrossed and transmitted to the House, Saturday morning, and the discussion was opened in that House by the Hon. W. N. H. Smith, who took a position, agreeing with neither the majority or minority, but that the session ending on the 18th December last was a complete session, and the one beginning on the 18th of January, under the call of the Governor, was a session, only accelerating the one contemplated by the adjournment to the 5th of February, as the joint resolution adjourning to a day certain, was subject to the right the Governor possessed of calling the Assembly together at an earlier day. In this position he was sustained by Mr. Jenkins, of Warren.

Mr. Hoke contended that the session in December and the one which would begin on the 5th of February were one session, and the session from the 18th January to the 5th February was a separate and independent one, under the call of the Governor.

Mr. Speaker Phillips took the position assumed by Messrs. Wilson and Howard, that the whole was but one session—that technically the Legislature has been in session since its first meeting in December, and he instanced the present session of the Congress of the United States, which had, by a joint resolution, adjourned over the holidays.

The House sustained Mr. Smith's position. It has been very *wickedly* suggested by some, as the reason the resolutions adopted in the Senate had no friends, that if the third resolution was concurred in, adjourning from the 3d to the 5th of February, at which time a new session *was* to begin, that on the 4th the *per diem* would be stopped.

The discussion with the different amendments took until almost 12 o'clock Saturday night.

The resolutions, as finally adopted, are as follows:

Resolved by this General Assembly, the House of Commons concurring, That the sitting of this General Assembly, which began on the 27th day of November, 1865, and terminated by adjournment on the 18th December, 1865, constitutes, and is hereby declared to be one session of this General Assembly.

2. *Resolved*, That the sitting of this General Assembly, convened by the proclamation of the Governor on the 18th January, 1866, constitutes and is hereby declared to be a session of the General Assembly.

3. *Resored*, That so much of the joint resolution of the first session of this General Assembly, ratified on the 7th day of February, is hereby rescinded.

4th. *Resolved*, That the unfinished business of the last session of this General Assembly, which adjourned on the 18th December, 1865, has been properly resumed at this session of the General Assembly, and that the General Assembly now in session, shall be, and it is hereby declared to be fully competent to the completion of all business that would have devolved on it at the adjourned session intended to commence the 5th day of February inst.

In the House, the subject of negro evidence has consumed a large part of each day's session during the week, in the committee of the whole. Other subjects of importance pressing upon them, and in order to give time for all arguments *pro* and *con* to be digested, they have postponed further consideration of the matter until Thursday next.

It seems to be a matter of considerable doubt in regard to its passage, and still greater as to the chance it will have in the Senate. Outside pressure may force it through, but is is doubtful.

The bills to prevent for a limited time the distillation of grain, and to allow the banks of the State to subscribe to stock in the national banks, two of the most important bills on the Senate calendar, have been made the special orders for Wednesday and Thursday next.

The first of these bills has been recommended by the Judiciary committee with but slight amendments. It is not thought, however, that it will pass.

A bill to increase the number of Judges on the Supreme Court bench to five, introduced by Mr. Wilson, is now before the Judiciary committee of the Senate.

The following are the titles of the acts ratified during the past week:

To incorporate the town of Newport, in the county of Carteret.

Supplemental to an act, entitled "An Act for the government of the town of Elizabeth City, in the county of Pasquotank, passed by the General Assembly in 1852.

To attach the county of Mitchill to the eighth Judicial Circuit and for other purposes.

In favor of Briggs and Dodd.

To incorporate the Clarendon bridge company, and to invest certain powers therein.

Authorizing the Public Treasurer to employ an Assistant Clerk.

For the more complete reorganization of the State Government, and for other purposes.

To incorporate the Weldon Enterprize and Loan company.

To amend an act passed in 1865-'66, concerning the records of Burke and Sampson counties.

To amend an act of the State Convention, entitled "An ordinance to incorporate the Piedmont Railroad Company, ratified the 8th day of February, 1862."

For the relief of such persons as may suffer from the destruction of the records and other papers of the several counties of the State, and for other purposes.

To incorporate the Salem Female Academy at Salem, in the county of Forsyth.

To authorize the Public Treasurer to collect and sell State property.

To continue in office Clerks and Masters in Equity until their successors are appointed.

It is understood here to-day, that Capt. Wm. H. Tripp has been elected in Beaufort county, to supply the vacancy occasioned by the resignation of Judge Warren. Capt. Tripp was in command of an artillery company, stationed at one of the forts below Wilmington, during the greater part of the war. He has served as a member of the House of Commons. His opponent in the late election was Col. D. M. Carter.

P. S.—Col. Carter has been elected over Capt. Tripp.

Inducements to Immigration.

A New York journal, which has exhibited a friendly desire to assist the South in the introduction of immigrants, says that we make a serious mistake in our plans for the introduction of laborers from Europe when we expect them to work by the year. It is probable that labor will arrange itself here as it did in the West. When that section was thinly populated, it was for years almost impossible to hire farm laborers by the year, or even by the month. Lands were cheap and abundant; labor was high and scarce, and all preferred to till their own small farms rather than work for hire upon another man's. It made the farmer's life hard until his son grew up to a useful age, and this gave rise to a common saying in the West, when a son was born in a farmer's house, that this was as good as a thousand dollars to him.

The plan which, under these circumstances, the West took to encourage immigration was this: they did not offer to hire "white labor" by the year; but they made it known, far and wide, that with them land was cheap and fertile; that a forty acre farm could be bought for a very small sum; that a man who, in Europe, would be all his life dependent and living from hand to mouth, with no better future for his children, might, in the West, in a few years, pay for his farm, be an independent man for the rest of his days and educate his children in a free school. They held out the inducement of cheap lands, purchasable in small lots, at easy rates, and opportunities for education. This plan was immensely successful, because it held out just the inducements which tempt the class which emigrates from Europe. The stupid, thriftless and ignorant class of Europeans do not emigrate from Europe. It is the thrifty, the energetic, the aspiring, who wish to better their condition; who desire a happier future than their own for their children; who leave their English and German homes in the Old World to find new homes in America. It is these men—the picked men of Europe—who have gone by tens of thousands to the West, and whose mere presence has, in a few years, quadrupled the selling price of lands in some States. But these men will not hire themselves to work out by the year. We have only to hold out the inducements to immigration that the West has held out, and we shall have the same success.

Common Schools.

We stated the other day, that Mr. Wiley proposed to use the principal of the School fund. For fear of misrepresenting his views, we will let him speak for himself. He needed a permanent fund until a taste for knowledge begot a desire for it; and we need such a fund now to bridge over the years of poverty that seem before us:

If our present resources will do this: if they will enable us to carry forward the machinery of our existing school system, and to keep alive our skill and love of knowledge until we reach a more prosperous financial condition, they will accomplish all that the patriot can desire, and will be to us an inestimable blessing.

It is believed that our fund can be made to do this, and at the same time to relieve the pecuniary wants of the State, and if we can thus provide for the necessity of this great crisis, we can safely leave the future to itself.

By our former system of distributing the school fund, there was a dead capital awaiting districts where schools were not taught.

It is now proposed that the distribution be made directly to *schools* and not to *counties*, and by this means the same distribution from the general fund will give to each district where a school is taught, a larger sum than heretofore. If, for instance, there were 2500 schools taught, and $180,000 distributed, (the average distribution before the war,) it will give to each school $72, and this is a considerably larger sum than the former average amount paid each district.

I propose that the whole annual expenditure be about $200,000, of which $175,000 is to be paid to teachers, (an average of about $70 per school,) and $250,000 will be a fair allowance for all expenses and salaries of every kind, including those of the Literary Board.

The Board now owns, in good stocks, about $880,000, and by the plans I suggest, and earnestly recommend, we can expend $200,000 *per annum* for four years, furnish very considerable relief to the State, and still have left from $150,000 to $500,000.

Chatham Railroad.

A meeting of the stockholders of the Chatham Railroad Company was held on the 1st of February. It was resolved to scale the capital stock to the actual value of the work ($200,000) and invite new subscriptions.

We learn that the prospects of finishing the road from the North Carolina Railroad, at Cary, to Lockville, on Deep river, are very good.

Kemp P. Battle, Esq., has resigned the position of President of the Chatham Railroad Company, and of Director, and Gen. W. R Cox, of Raleigh, has been elected President to fill the vacancy.

WE read in the *Dispatch* yesterday morning, a letter from Mrs. Stonewall Jackson, to the editor of the Charleston *News*, in which she says:

"While it is one of the greatest comforts of my desolated life to see the many beautiful and eloquent tributes to the memory of my beloved husband, and I would gratefully accept any offerings that are voluntarily given as *testimonials of love and gratitude to him*, yet the contributions that are now called for, are given under a false *impression*, and it is inconsistent with my ideas of honor and rectitude to receive them."

Words worthy the utterance of a Southern matron and conferring a befitting grace upon the females of the house of Graham.

We have never believed Mrs. Jackson sanctioned the demonstrations recently made in her behalf, and have therefore refrained from dragging her before the public. She doubtless appreciated the motive which impelled the actors in her heart of hearts, while her womanly instincts shrunk from the exposure.

WE PUBLISH, as a matter of local interest, a bill for the benefit of the Firemen of the town of Wilmington, introduced by Mr. Hall on Monday last in the Senate, and which, under a suspension of the rules, passed to its engrossment:

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the members of the different Fire Companies of the town of Wilmington be, and they are hereby exempt from all jury and militia duty, except in time of actual hostilities.

Be it further enacted, That in no case shall the number of members of each Company exceed sixty.

Be it further enacted That this act shall be in full force and effect from and after its ratification.

THAD. STEVEN'S CONSCIENCE.—The Philadelphia *Ledger*, in alluding to Thaddeus Steven's attempt to play the dictator to Congress and domineer over the President, thus reproduces a reminiscence of the past:

"In 1838 at the capital of Pennsylvania, he whipped his party followers into the wicked measure of attempting to set aside the election by the people, and foist upon the Commonwealth a minority candidate for Governor, and a minority Legislature. Three honest members of the same party with Mr. Stevens, refused to carry out these treasonable practices. One of them (John Montelius) testified before the committee of investigation that he told Mr. Stevens that his conscience 'would not permit him to sanction these corrupt proceedings' 'Conscience, indeed,' said Stevens, *'throw conscience to the devil, and stand by your party.'*"

HONOR TO WHOM HONOR IS DUE.—We delight to honor those honest and faithful public servants who remain steadfast to their duty. In the late vote on the negro suffrage bill for the District of Columbia, all the Democratic members from this State voted against giving the negro the right to vote. They not only voted against the bill from principle, but are opposed to the anti-Democratic doctrine of forcing an obnoxious measure upon an unwilling people, against their express will. We say to these gentlemen, Messrs. Ancona, Boyer, Dawson, Dennison, Glossbrenner, Johnson, Randall and Strouse, well done thou good and faithful servants. The people at home will honor them also, and re-elect them to take care of the interests of white men at Washington.—*Doylestown (Penn.) Democrat.*

An eruption called "Swine-pox," has made its appearance in Milton, N. C. Several persons are reported to have died from it.

State and National Banks.

We publish to-day the lucid and able report of of the Finance Committee submitted on Friday last in the House of Commons, in recommending the passage of the bill introduced by Mr. Smith of Hertford, to authorize the banks of the State to take stock in National Banks.

As the report explains thoroughly the bill, we do not think it necessary to publish the latter.

A similar bill has been introduced in the Senate by Mr. Leach of Davidson, and has been reported on favorably by the committee on Banks and Currency, and is now pending in that body.

REPORT.

The Committee on Finance, to whom was referred the bill to authorize the banks of the State to subscribe stock in National banks, respectfully recommend its passage, and in support of such recommendations offer the following suggestions:

The chief want of the State is a circulating medium.—Her resources lie undeveloped, industry and trade are stagnant, creditors and debtors, the rich and the poor, all suffer from the same common cause. From the want of money, of a medium of exchange, the people cannot recover from a prostration of years of sacrifice. Money must be supplied, or they will fall into despair.

The only available means in the State for relieving this distress lies with the banks, though they share in the general suffering. Much of their loss was State government, at its special request. The notes then issued are still out standing and must be paid. Still another loss has resulted from the calamities falling on the debtors. If they go into liquidation now, those loans will be many times multiplied.

But with all their misfortunes, save by indefatigable exertions from financial dangers and perils of robbers, the specie in their vaults remains to aid the State if properly used, in this, her hour of trial. It is admitted the banks cannot remain in their present condition. The pursuits of creditors will force them to some action. The question before us is, whether they shall go into liquidation, paying out their assests, from time to time, where collected, to their creditors, or whether these assets shall be used for the benefit of the people, the creditors, and possibly the bonds.

A bank is an artificial person, the powers and duties of which are enunciated in its charter created, not for the benefit of individuals, but to supply a sound currency.

The parties most interested in and effected by banks are, first and chiefly the community, all of whose operations will be obstructed by a bad circulating medium; secondly, the creditors who are mainly the stockholders and general depositors; thirdly, the principal debtors of the bank, and their surities, and last and least of all the stockholders.

The committee are of opinion, that all these classes will signally suffer from winding up the banks at this time.

1st. The stockholders will certainly lose the entire amount of their stock. The University owes the bank of North Carolina a balance of $90,000 for purchase of $200,000 stock. All this will be annihilated and the institution we have all taken an oath to preserve will be ruined. The bank investments in the State, in the Literary Fund, will be destroyed; extinguish the light of learning in our common schools while thousands of widows and orphans will be deprived of their sole dependence for bread.

2d. The creditors of the banks, the note holders and general depositors, will lose a large portion of their dues. The gold in the banks is about $800,000; their debt in round numbers $8,000,000; their credits about $3,000,000 This fund will only pay ten cents on the dollar, and the credits will be almost worthless from the general prostration of the people.

3d. The debtors of the banks being called upon for their obligations in the present disastrous state of the country, must succumb under the additional burden. Nor will the principals alone be ruined. Their securities, a large and respectable body of men, will have their energies paralized by the sure, if slow approach, of the judgment which may sweep away the relics of their fortunes.

4th. The community, while this ruinous process is going on, will still suffer the evil of the want of a circulating medium, with the means of relief wrenched from them before their eyes, by an unwise and heartless policy. They will lie at the mercy of their richer neighbors of the North. The usurious exactions of the past few months will be perpetuated. The people of the State, forced by the scarcity of money, will continue to give, as has been common, three per cent. per month, for temporary loans; or, as the committee learn, has been done in Georgia and perhaps in North Carolina, seven per cent. per annum, with one-fourth of their entire crops secured by mortgage on real estate.

The debtors of the banks in their fall will carry down thousands of others connected with them in the operations of business. The people of the State will be unable to pay their taxes, and the holders of the public debt will fail to receive interest for a series of years to come. The gold divided among the noteholders will not inure to the benefit of the people of this State. Most of the notes are held abroad, and the gold will go to swell the coffers of those already rich, while the small portion held at home will be hoarded, as the notes have been during the war; and the scarcity [which] seems forced from distressed debtors, will take the same course.

The committee are of the opinion that this wide-spread ruin may be averted by the policy showed forth in the bill reported. Instead of sending gold out of the State, let it be used in bringing into our midst the circulating medium which we so much need. This will be of equal benefit to the community, the debtors and creditors of the banks; and eventually, to some extent, to the stockholders. It will make the gold of the banks an interest-bearing fund, it will revive prosperity—enable the debtors to meet their obligations, and will give the creditors their dues.

The first section of the bill authorizes the banks to subscribe for stock in national banking associations. Each bank is to decide for itself whether to exercise the authority, and if so, to what extent. When the stock is taken the old bank becomes a stockholder in the new, and will be entitled to accruing dividends. The liability of its creditors will not be effected, nor will the liability of stockholders be changed in any degree.

Section second commands, That the dividends paid the old bank shall be used in liquidation of its debts. The profits of their institutions have generally been large, and if successful, the creditors of the old bank will be gainers. The stock itself will not be beyond their reach. It will be subject to the same liabilities as the funds with which it was purchased. In spite of their own interest, the noteholders may, by a proper process, have it sold. But though by the sale the old bank will not reap the full benefits of the proposed plan—the chiefest goal—the relief of the people will be gained by the establishment and continuance of a national bank of large means.

Section third repeals clauses of the charter in conflict with this act when it is accepted; and section fourth authorizes the banks to make an assignment of their assets for the equal benefit of their creditors. This is necessary, to prevent noteholders in other states from bringing suits in the Federal courts, and thereby gaining precedence over the home creditor, whose causes must be decided in the State courts.

The committee find the beneficial effects of this policy so well portrayed in the message of his Excellency, the Governor, that they beg leave to quote his words on this subject:

"The large amount of money which the University and Board of Literature have in the two principal banks, and the investments held by our citizens in all of them, (including the very many widows and orphans) and the great want of a circulating medium, seemed to demand of me some suggestion on these subjects. I make them with much diffidence, having never been interested in any banking institution, and not having made the subject a matter of much consideration. The United States has adopted a system of national banking, looking to a uniform currency throughout the United States. It is our duty to conform to this policy.

The fortunes of our capitalists have been swept away.—How are we to raise the means of establishing national banks?

By a proper amendment of the charters of our banks and railroad companies, I hope it may be done. Several of our railroads, in which the State holds large stock, are in a sound condition. Some of them owe little or nothing.

The reports of the banks, which were procured under the orders of the Provisional Governor, and have been printed and laid before you, show, in round numbers, that these banks have a little above $800,000 of specie—and that they owe to the holders of their notes and to depositors about $8,500,000, and that there is due to them for discounts before the war about $3,000,000, and for discounts since the war about $3,000,000.

If the banks are forced to make an assignment, and go into a general liquidation in order to make an equitable *pro rata* distribution of their assets among all their creditors, (which must be the case, if nothing be done by you,) the note-holders and depositors would receive about ten cents in the dollar in specie, and such further dividend as collections from their debtors might enable them to make. Unless money become more abundant in the State, it is manifest that little can be expected from these collections.

This specie is now locked up, yielding no benefit to anybody. I suggest that, by an amendment to their charters, these banks and railroad companies be allowed to subscribe for stock in a national bank. With the specie in possession of the banks, and resources at the command of the other corporations, with such subscriptions on the part of individuals as might be expected, bonds of the United States might be bought to an amount sufficient to form the basis of a national bank. The dividends declared in favor of the banks should be paid over to them, and by them should be paid out, together with the collections they may make, to their creditors.

The benefits proposed by this scheme are:

1. The making of the specie in the banks, now lying dormant, produce the interest which would accrue on the United States bonds in which it would be invested.

2. The enabling of the solvent debtors to our banks to borrow money from the new bank and pay off their notes to the present banks, whereby many of them would be saved from ruin, and at the same time afford a larger dividend to the present creditors of the banks.

3. The extension of aid to our people by supplying a circulating medium so essential to the restoring of their shattered fortunes.

4. The furnishing a safe depository for the funds of the State and individuals.

5. The securing to the creditors of the banks, a much larger dividend than they will get, if the banks be forced into immediate liquidation.

6. A hope, that by good management, in some of the banks, some of the stock might be saved to the stockholders, including the University and the Literary Fund.

If there be not some insuperable obstacle in the way, which I do not perceive, then this plan offers a reasonable prospect to help a suffering people, to aid in the revival of prosperity, bring in taxes to the State, help the debtors to the old banks to pay their debts, increase the assets to the same, and thereby save money to their creditors, furnish a safe fiscal agent to the State and save a portion of the stock, and rescue from ruin the University and Common Schools.

The operations of this measure may be practically seen by taking as an example, the bank of North Carolina.—This bank, besides Confederate securities, lost $681,300, lent the State, in their own notes of the bank, in 1861. The specie is about $350,000; the debts are about $1,500,000; the credits of the bank, due before the war, are $865,000, those due sine are $998,000, which may be valued in present currency at $248,200. If the bank goes into liquidation, by the most liberal calculations, the noteholders will not receive fifty cents on the dollar; the stock will be utterly lost. The bank of North Carolina can subscribe and pay for $500,000, stock in the National Banking Association. This sum will be invested in United States bonds, which will be deposited with the Comptroller of the Currency, whereupon 80 per cet., or $400,000 in notes, will be issued to the new bank. The bank will then be entitled to the interest upon the $500,000 of bonds, or $30,000 per annum, and will have four hundred thousand dollars of currency with which to carry on its operations. Six per cent. per annum on this amount, or $24,000, is a moderate calculation, so that the new bank will make on this stock, without estimating gains from deposits and other sources $54,000, which will be paid to the old bank to and in liquidating its debts. At the present price of bank notes this sum will buy $154,200 the first year. This amount might be increased every year, and if, as is probable, capital from abroad will join our capital at home, the benefit to the State will continually increase.

The committee has not deemed it necessary to inquire whether national banking is a sound system of finance. It has become the settled policy of the government. It has been approved by the wisest statesmen and most intelligent bankers. A policy founded on the national credit, and defended by the power of Federal taxation, we cannot hope to withstand. North Carolina must fall into line with the other States of the Union, or remain forever in the bitterness of poverty.

The committee therefore report the bill to the House and recommend that it do pass.

W. N. H. SMITH,
Chairman.

Reorganization of the State Government.

We publish in full the Bill introduced by Mr. McAden, and passed by the General Assembly on the 31st ult. Its importance will insure a careful perusal:

A BILL FOR THE MORE COMPLETE RE-ORGANIZATION OF THE STATE GOVERNMENT AND FOR OTHER PURPOSES.

WHEREAS, doubts are entertained whether or not the powers of all officers and agents appointed by the late Provisional Government ceased with the discontinuance of said government, and as said officers and agents may have done many official acts since their powers may be held to have ceased, for the removal of such doubts and for the purpose of validating all acts of such officers and of more thoroughly re-organizing the civil government of the State.

SEC. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the acts which may have been done by any of the municipal officers of towns, or by any other officers and agents of the late Provisional Government, be held as valid as they would have been had the powers of such officers and agents been continued in unquestionable force until the appointment and qualification of successors.

SEC. 2. *Be it further enacted*, Where any election shall have been held in any of the corporated towns for the election of municipal officers to fill the vacancies occasioned by the discontinuance of the Provisional Government, whether such election was held on the day and in the manner prescribed in the charter and corporate laws of the town or not, such elections are hereby legalized and the officers so elected are hereby invested with all the powers, rights and privileges which would have been conferred upon them had they been elected in strict conformity with the charter and corporate laws of such town.

SEC. 3. *Be it further enacted*, That the Clerks of the County and Superior Courts and Sheriffs and Registers appointed under the Provisional Government are hereby continued in office until their successors shall be qualified.

SEC. 4. *Be it further enacted*, That as soon as this General Assembly shall have appointed Justices of the peace for the several counties, it shall be the duty of the Governor to issue commissions accordingly, to the Clerks of the County Courts in each county, and also an order to the Sheriffs of each county, together with a copy of this act, for each of said Justices, commanding him to notify said Justices of the Peace to assemble at the Court House of their respective counties, on a day to be designated by said Sheriffs, not more than ten days from the day when such order shall be delivered to such Sheriff.

SEC. 5. *Be it further enacted*, That upon the assembling of said Justices of the Peace and their qualification by the Clerk of the County Court, or by any other person authorized by law to administer oaths, they may at once organize a special term of the County Court or appoint some other early day for the holding of a special term of said Court, at which term the Court and Sheriff shall have the power to pass upon the returns of election held on the 9th November last for Clerks and Sheriffs, and declare the result of the same, receive the bonds from the officers found to be elected, and do all other things, not requiring the intervention of a jury, which a County Court may do at any regular term thereof.

SEC. 6. *Be it further enacted*, That any two Magistrates of a county are hereby authorized to qualify the persons elected Superior Court Clerk for their county, November, 9th, 1865, according to Sec. 9th, Chap. 19, Revised Code, in like manner as if they had been commissioned so to do by a Judge.

SEC. 7. *Be it further enacted*, That in the incorporated towns where elections, regular or irregular, for corporate officers may not have been held, the late provisional officers may, and they are hereby required forthwith to appoint an early day for such election, upon five day's notice in the newspapers of such town, or by public advertisement in such town where there is no newspaper published therein, and such election shall be conducted as near as may be in conformity with the charter and corporate laws of the towns, and the municipal officers who shall be elected at such elections, upon being qualified, shall forthwith enter upon the discharge of their duties, as though they had been duly elected at the time and according to the rules prescribed in the charter and corporate laws of the town; and they shall hold their offices until their successors shall have been elected and qualified at the next regular election in said town. *Provided*, this act shall not apply to towns in which there has been, or shall be, special legislation at this session of the General Assembly. *And provided further*, that nothing contained in this act shall be so construed as to prevent the holding of the regular terms of the Courts of Pleas and Quarter Sessions, and the qualification of officers as now regulated by law.

SEC. 8. *Be it further enacted*, That this act be in force immediately after its ratification.

MESSRS. MASON AND BENJAMIN IN LONDON.—The London correspondent of the Cincinnati *Commercial* writes as follows of Messrs. Mason and Benjamin:

Both these gentlemen are at present in London. The former has already entered his name at the Tempie, undetaking to eat his seventy-two dinners in that ancient establishment, preparatary to his admission to the English bar. As he is not allowed to eat more than twenty-four of these judicial dinners per annum, your youngest pupil in arithmetic can compute how many years he will have to wait before he is "called." I am informed that with the final collapse of the Confederacy, the proud Virginian is reduced to desperate straits—in short, that he is sadly afflicted with the contagious disease of exiles, to-wit: impecuniosity; and that out of simple decency and charity, some English friends of the South are getting up a subscription to save the embassador from actual want. As to Judah P. Benjamin, all accounts agree that he has nicely feathered his nest, and, as some prominent Southerners here boldly assert, he has done so out of the spoils and pretended confiscations of Southern banks and capitalists in the days when he could dictate resistless demands at Richmond.

A MOTHER'S INFLUENCE.—How touching is this tribute of Hon. T. H. Benton to his mother's influence:

"My mother asked me never to use tobacco; I have never touched it from that time to the present day. She asked me not to game, and I have never gambled, and I cannot tell who is losing in games that are being played. She admonished me, too, against hard drinking; and whatever capacity for endurance I have at present, and whatever usefulness I may have attained in life, I have attributed to having complied with her pious and correct wishes. When I was seven years of age she asked me not to drink, and then I made a resolution of total abstinence, and that I have adhered to it through all time I owe to my mother."

THE LATEST NEWS BY TELEGRAPH.

Gov. Graham and Negro Evidence.

RALEIGH, N. C., Feb. 7.

Ex-Governor Graham, U. S. Senator elect, is out in a letter in favor of negro testimony and their just rights.

Congress.

WASHINGTON, D. C., Feb. 7.

SENATE.—Mr. Clark reported a bill providing for the punishment of kidnapping negroes.

Mr. Fessenden made a speech in support of the joint resolution in relation to representation.

HOUSE OF REPRESENTATIVES.—The House debated the bill, setting apart all the public lands in Mississippi, Louisiana, Arkansas and Florida as homesteads for both black and white.

Fred. Douglas has an Interview with the President.

WASHINGTON, D. C., Feb. 7.

Fred. Douglas and other negro delegates had an interview with the President to-day for the purpose of securing their political and civil rights, particularly that of suffrage.

The President referred to his past conduct as an evidence of his friendship, but he decidedly expressed himself against giving them suffrage, as it would be likely to bring them in conflict with the whites, and produce a war af races.

New York Markets.

NEW YORK, Feb. 7.

Cotton heavy at 47 @ 48 cents—chiefly at first figures. Flour unchanged. Wheat dull and declined 1 @ 2 cents. Corn declined 1 cent; sales at 81 to 84. Pork heavy—Mess $29 @ $29 87½. Lard buoyant, at 15½ @ 18¼ cents. Whiskey dull. Groceries quiet. Spirits Turpentine heavy at 92½ @ 96 cents. Gold $139½.

Baltimore Market.

BALTIMORE, Feb. 7.

Flour very dull. Wheat is scarce and prices steady.—White Corn 85 @ 86; yellow 75 cents ₱ bushel. Oats have advanced 1 @ 2 cents. Provisions are inactive. Lard 18 cents. Sugar firm, with a good demand. Good Whiskey is nominal.

LATER FROM EUROPE.

NEW YORK, Feb. 8.

The steamship City of Washington has arrived. She brings Liverpool dates to the 25th ult.

The sales of cotton for the previous four days reached 28,000 bales, at a decline of ¼d.

Five-twenties—66¼ @ 66¾. Consols closed at 86¾ @ 87.

Very Latest from Europe.

PORTLAND, ME., Feb. 8.

The Steamship Peruvian, from Liverpool on the 25th ult., brings Liverpool dates, via Queenstown, to the 26th ult.

Cotton had declined ½d. ₱ lb. for American, and ¼d. @ ¾d. for other descriptions. The sales of the week reached 58,000 bales, and on Friday, the 26th ult., the sales were 7,000 bales, market closing heavy.

Consols 86¾d. @ 86 15-16ths for money.

Five-twenties 66½.

Political news unimportant.

A Beautiful and Brief Sermon.

We read the following, years ago, in our much thumbed copy of old Herbet, and it has been buried long enough in our memory to come up again:

Sundays observe; think, when the bells do chime,
'Tis angel's music, therefore come not late.
God there deals blessings; if a king did so,
Who would not haste, nay, give, to see the show.

In time of service, seal up both thine eyes,
And send them to thy heart, that, spying sin,
They may weep out the stains thy sin did rise;
Those doors being shut, all by the ears comes in,
Let vain and busy thoughts have there no part,
Christ purged His temple, so must thou thy heart:
He that loves God's abode, and so combine
With saints on earth, shall one day with them shine.
Home Journal.

By an arrival at New York, we learn that the United States gunboat Narcissus, from Pensacola to New York, was totally lost at the mouth of Tampa Bay, with all on board, about thirty souls.

We understand that Ex-Governor Morehead, of North Carolina, has been arrested by the military authorities for interfering with the sale of some property previously advertised to be sold. Governor Morehead protested against the sale and claimed title himself.

An Englishman lately carried eight partridges to New Zealand, which he turned loose on his farm there.

To rid dogs of fleas rub them well with a piece of flannel saturated in naptha.

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Sept. 28.

WILKES MORRIS. MICHAEL CRONLY.

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Sept. 28.

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Wilmington, N. C. Sept. 28, 1865. 1—tf

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February 5, 1866.

BLANKS.

WE HAVE, AND KEEP CONSTANTLY ON HAND almost every description of Blanks usually required in this place.

Merchants in want of Railroad Receipts, Bills of Lading, or other Blanks, bound or loose, can obtain them at short notice.

Clerks of Civil Courts, Sheriffs, Magistrates and Constables, can be supplied from our present stock, or have their Blanks printed to

NORTH CAROLINA LEGISLATURE.

[REPORTED EXPRESSLY FOR THE DAILY JOURNAL.]

SENATE.

SATURDAY, FEB. 3, 1866.

BANKS.

Mr. Jones of Columbus, from the joint select committee on *Banks and Currency*, to whom was referred the resolutions (which will be published in full) as to whether the Banks of the State had not lost their charters, submitted a report, concluding as follows: "From the reasons above given, the committee is of the opinion, that by effects of the revolution, in the language of the President, 'depriving the people of North Carolina of *all civil* government,' the charters of the Banks expired and cannot be revived except by consent of the corporations, and the Legislature cannot interfere, as all the questions connected with the corporations are for judicial and not legislative action." [The report was ordered to be printed, and the resolutions may be reported when the resolutions come up for action.]

TAXES.

Mr. Cash introduced a resolution instructing the Finance committee to make provisions for the collection of taxes levied by the Convention in the counties where no bonded debts and no taxes have been collected.—Agreed to.

SWAMP LANDS.

Mr. Cash also introduced a resolution, instructing the Committee on *Swamp Lands* to inquire whether the Swamp Lands belonging to the State are being trespassed upon, and whether there are not valuable portions of them likely to be lost to the State by limitation of an actual possession.

The following bills were introduced:

COMMON SCHOOLS.

Mr. Shober: A bill for the benefit of the Public Schools of the State. It provides for the issuing by the Governor and Directors of the Literary Fund, for the benefit of the Public Schools, certificates of indebtedness to the amount of two hundred thousand dollars *per annum*, for seven years, and no longer, payable in two years from the time they shall be received for all State dues; that the Governor and Directors shall be liable to be sued as a corporation, and the assets of the Fund be liable for the same. That one hundred thousand of the said dollars annually appropriated to the use of the Common Schools, and the expenses of the Literary Board, and five thousand dollars *per annum* to the University. That when it clearly appear to the Literary Board to be to the interest of the Fund, they shall be authorized to establish a Bank with the proceeds of said funds, and to allow individuals to subscribe to the stock of said Bank to the amount of two-thirds thereof. [The rest of the bill is taken up with details, modifying and changing the manner of governing and carrying on the Public Schools.] Referred to the committee on *Education and Literary Fund*.

SWANSBORO'.

Mr. Sanderlin: A bill to extend the limits of Swansboro'. To the committee on *Corporations*.

The following bills passed their several readings and were ordered as follows:

To establish a Court of Pleas and Quarter Sessions for the county of Cabarrus. Ordered to be enrolled.

To charter the town of Fayetteville. Ordered to be engrossed.

To amend the charter of the town of Hillsboro' [Provides for an amendment in the mode of selecting the Mayor and Commissioners of said town.] Ordered to be engrossed.

To amend the charter of the Albemarle and Chesapeake Canal Company. Ordered to be engrossed.

To amend the act of incorporation of the town of Clinton. Ordered to be engrossed.

The following private bills were passed.

PENITENTIARY.

To establish a Penitentiary and Work on the roads. Mr. Howard, laid on the table.

To charter the High Shoal Railroad Company. Passed its second and third readings.

LANDLORDS.

Mr. Cowles' bill to amend an act for the relief of landlords, giving it for tenants from year to year) was enacted, allowing sheriffs and jurors the usual fees, &c., and the ratification of sales. Mr. Hill's was laid on the table.

BANK AND BRIDGE STOCK.

To appropriation for the support of the Bank and Bridge Stock Act—was passed its second reading. Ordered to be engrossed.

CARRYING PISTOLS.

Mr. Cash's bill to prevent the carrying pistols without a license, was, on its being committed to the committee on the *Judiciary*.

The House met late, and the House having under discussion the resolutions passed by the Senate on yesterday, in regard to the *status* of the present session, the Senate, on motion of Mr. Leary of Davidson, adjourned until 7 o'clock P. M., in order to ratify the resolutions in the event of their passage by the House, as they contemplate the adjournment of the present session to-night.

STATUS OF THE PRESENT SESSION.

At the night session the two Houses perfected the resolutions in relation to the *status* of the Legislature, making the ending on the 18th of December last a continuation, and the next beginning on the 18th of January, by the proclamation of the Governor, a called session.

HOUSE OF COMMONS.

SATURDAY, Feb. 3d.

The House was called to order at 10 o'clock, A. M.

Prayed by Rev. Dr. Jackson of the Methodist Episcopal Church.

The Journal of yesterday was read and approved.

Reports of joint committees were made from the Standing Committee on Claims, which will be found on the calendar.

Mr. Hutchison introduced "a bill to incorporate the Trustees of the General Assembly of the Presbyterian Church in the United States of America." Placed on calendar.

Mr. Manly, a bill to allow persons of Indian blood to testify in courts in cases at law and in equity.—Placed on calendar.

Mr. Bynum: A bill for the relief of Hiram Hunter, formerly of Madison county. Referred to the Committee on Judiciary.

ON CALENDAR.

On motion of Mr. McKay, a bill to amend the charter of the town of Greenville, was taken up. This bill passed its several readings under a suspension of the rules.

A bill to amend the 12th section of the 118th chapter Revised Code, was put on its second reading. [Provides for the widow dissenting from their husbands' wills, may have the personal estate as in cases of intestacy.]

Mr. McKay opposed the passage of the bill. He saw no reason for changing the existing law, especially as the change proposed would operate to the prejudice of the widow, by giving the widow an undue proportion of the estate.

Mr. Cash said that the gentleman from Burke had misapprehended the scope and object of the bill. The existing law, in cases of intestacy, gave to the widow who has no child, one half of the personal estate, and in case of dissent from a will, when there is but one child, the law allows her but *one-third* of the personalty.—He could see no reason for making a distinction between the two cases to the widow's prejudice.

Mr. Hall opposed the change contemplated in the bill. He preferred allowing the wife but one-third of the personalty when she dissents from the will, was in his opinion just and reasonable. Some respect was due to the husbands wishes.

Mr. Smith of Hertford, thought that as long as the law allowed widows to dissent from their husband's will, full liberty should be given to such dissent by creating an intestacy as to her. He hoped the bill would pass.

Mr. Jenkins of Warren, was not only in favor of the bill, but thought the husband dies intestate, if the property came to his children, he in favor of giving her the whole of it.

Mr. Martin thought that when the widow dissented from the will, such dissent should have the effect of creating an intestacy as to her. He was in favor of the bill as reported.

Mr. Bynum said the effect of the bill was to give the one-half of the personalty in cases of intestacy, where there is but one child. No such case was contemplated when there is more than one child, and it was eminently proper that this change should be made.

Mr. Cash concurred with the gentleman from Martin, in favor of giving the widow the whole of the personalty when there were no children, and if he were a Legislator such decree should issue immediately [illegible]

Mr. Leary again addressed the House in opposition to the bill. He thought it would encourage dissents from the will in consequence of litigation, prejudicial alike to the widow and the children, as the costs would speedily absorb the property in question. The women were a dissipating way, and the tendency of the bill would be to the ruin of dissent, and fill the court house with [illegible]

Mr. Cash asked leave, after hearing the discussion, to withdraw his motion. He had thought at first that the change was a matter of right, but if there was but one child, he should withdraw his motion and accord it his support.

The bill passed its second and then its third reading [illegible] a suspension of the rules.

Several resolutions were received from the Senate, relative to the *status* of the present session of the General Assembly. These resolutions embodying the views [illegible] majority of the Joint Committee raised on this subject, declare that the session of the General Assembly commenced on the 27th day of November 1865, and terminated by adjournment on the 18th of December, 1865, which was the session of the General Assembly. They declare that the sitting of the General Assembly continued by the proclamation of the Governor on the 18th of January, 1866, constitutes also one session. They also provide that the present session shall close by adjournment on the 7th of February, 1866, to meet again on the 8th day of February, 1866; and further provides for continuing over the pending, at the next session commencing on Monday [illegible] of all business depending in the two Houses at the time of adjournment.

The question being on the passage of the resolutions, Mr. Manly moved to amend by substituting the resolution offered by the majority of the joint committee as follows:

Resolved, By the Senate and House of Commons in General Assembly convened, that the adjournment of the body and its meeting again under the circumstances [illegible] set forth in the majority report,) is hereby declared to be but one session of this General Assembly."

Mr. House moved to amend the amendment by substituting as follows:

Resolved, That the sessions of the Legislature called by the Governor to meet on the 18th of January, 1866, is an extra session of the Legislature, and shall be considered to end on the 3rd day of February, 1866.

These conflicting propositions elicited a protracted discussion in which Messrs. Smith, of Hertford, Hoke, Dargan, Manly and Phillips participated. Pending a vote the House took a recess until 7 o'clock, P. M.

Before recess messages were received from the Governor transmitting the report of the President and Directors of the Albemarle and Chesapeake Canal Company, and a communication from W. J. Palmer, Esq., Principal of the Asylum for the Deaf, the Dumb and the Blind. Sent to the Senate with a proposition to print.

[When the ballot was had on Thursday for Trustees of the University, the Reporter, stated that Mr. Nicks nominated H. M. Waugh, Esq., but omitted to state that Mr. Waugh declined the nomination, saying that he had no aspiration to fill the position of Trustee.]

SENATE.

MONDAY, Feb. 5th, 1866.

Prayer by the Rev. J. M. Atkinson, of the Presbyterian church.

DISMAL SWAMP CANAL.

Mr. Ferrebee presented a memorial from the President and Directors of the Dismal Swamp Canal—praying for a confirmation by the General Assembly, of the act of Virginia, of January 23d, 1810, increasing the tolls of the same—asking that it be transmitted to the House with a proposition to refer to thec ommittee on Finance. So ordered.

BONDS ON MARRIAGE LICENSE.

Mr. Howard, from the Judiciary, reported favorably on the bill to repeal that part of sec. 2, chap. 68, Revised Code, which relatates to bonds on marriage license.

The following bills were introduced and disposed of as follows:

SPIRITUOUS LIQUORS IN SALEM.

By Mr. Bowen: A bill to prohibit the sale of spiritous liquors in Salem. To the Judiciary.

FELONS FLEEING FROM JUSTICE.

By Mr. Morehead: A bil to outlaw felons who flee from justice. To Judiciary.

PAUPERS.

By Mr. Covington: A bill authorizing the Wardens of the Poor to seize and sell the property of paupers who are admitted to the poor houses of their respective counties. To the Judiciary.

WIDOWS.

From the House: Engrossed bill to amend sec. 12th, chap. 118th, of the Revised Code. [Provides that widows dissenting from their husbands' will shall take as fully and such part of her husband's personal estate as she undertakes in case of his intestacy.] Filed.

GREENVILLE.

From the House: Engrossed bill to amend an act entitled "An Act for the better Regulation of the Town of Greenville, and to increase the Power of the Commissioners of said Town." Filed.

NEWBERN.

From the House: Engrossed bill, supplemental to and amendatory of an act to reorganize the corporation governments of the city and Academy of Newbern, which, under a suspension of the rules, upon motion of Mr. Whitford, passed and ordered to be enrolled. [Provides for a *plurality* instead of a *majority* to elect city officers.]

FIREMEN OF WILMINGTON.

By Mr. Hall: A bill for the benefit of the Firemen of the town of Wilmington. Under a suspension of the rules the bill passed to its engrossment, and was transmitted to the House. [The bill will be published in full in to-morrow morning's edition.]

The following bills came up on their second readings:

FIVE JUDGES OF THE SUPREME COURT.

Mr. Wilson's bill to amend chapter 33 of the Revised Code, was referred to the Judiary. Proposes to increase the number of Judges on the Supreme Court bench to five.

ARREARGES OF TAXES.

Mr. Morehead's bill to enable Sheriffs to collect arrearges of taxes, was laid on the table. [Mr. M. has introduced at this session a bill of similar character, which is before the Judiciary Committee.]

COSTS IN EQUITY SUITS.

Mr. Black's bill to diminish costs in Equity suits, was referred to the Judiciary.

CONFEDERATE CURRENCY.

Mr. Harriss of Rutherford, bill to establish a scale of depreciation of Confederate Currency, was recommitted to the committee on that subject.

WESTERN N. C. RAILROAD.

Mr. Bynum's bill to amend an act, entitled "an act, to incorporate the Western North Carolina Railroad, was made the special order for Friday next. [Provides for so amending the charter that the State will be compelled to pay the company whenever it becomes indebted to it, $20,000 instead of $50,000 as now is the case. The State owes the road at present, $34,171 58.

Other bills of less importance were temporarily disposed of by reference or by being laid on the table.

The Senate adjourned until to-morrow at 11 o'clock.

HOUSE OF COMMONS.

MONDAY, Feb. 5, 1866.

The House was called to order at 10 o'clock A. M.

Prayer by the Rev. J. M. Atkinson, of the Presbyterian Church.

The Journal of Saturday was read and approved.

Mr. Waugh introduced resolutions in relation to the U. S. Land Tax, which was referred to the committee on the donation of public lands. Mr. Smith, of Hertford, resolutions accepting a donation of lands by the Congress of the United States, under the act, approved July 2nd 1862.—Referred to the same committee. Mr. McNair; a resolution in regard to the Revised Code and other laws. (Requires County Court Clerks to collect copies of the Revised Code and laws from justices, who have not been reappointed, and issue them to the newly appointed Magistrates. Referred to the committee on finance.

Mr. Harper; a joint resolution defining the duty of the Governor with regard to the distribution of "an act, passed by this General Assembly, entitled "an act for the more complete reorganization of the State Government and for other purposes,"' Ratified Feb. 1st, 1866.

Mr. Hoke introduced the following:

Be it resolved by the General Assembly of North Carolina: That the Secretary of the Treasury of the United States, be, and he is hereby respectfully requested to suspend the collection of the United States Taxes on lands within this State for the period of ——— in order to afford this General Assembly time within which to take such action as may be deemed best in relation to the payment of the same. Referred to the committee of donation of Public Lands.

Mr. Hodnett, a resolution that hereafter no member be allowed to speak longer than thirty minutes on any subject before the House, without leave of the House. Lies over one day.

Mr. Jenkins of Warren, a bill in relation to the judiciary. Referred to the committee on the judiciary. Ordered to be printed.

Mr. Smith of Hertford, a bill further suspending the operation of the statute of limitations.—Referred to the committee on the judiciary.

Mr. Smith also introduced the following, which was referred to the same committee:

Resolved, That a commission of three persons, to be appointed by the Governor, be constituted to examine the laws passed since the adoption of the Revised Code, and to prepare and report to the General Assembly at its next session, a digest of those of a public nature which are now in force, suggesting such amendments to the same, as may be in their opinion necessary.

Mr. Burton, a bill to incorporate the Leaksville Male Academy in the county of Rockingham, and to appoint the Trustees thereof. Referred to the committee on corporations.

ON CALENDAR.

A bill to charter the High Shoal railroad company, and a bill to incorporate the Albemarl steam navigation company, passed their second and third readings.

Bills to extend the time for the redemption of lands sold for taxes, and to perpetuate liens upon real estate, were laid on the table for the present.

A bill to furnish revised code to clerks not heretofore supplied, passed second reading, and was referred to the committee on finance.

A bill from the Senate to amend the charter of the town of Clinton, passed its several readings under a suspension of the rules.

An engrossed bill for the support of the Asylum for the Deaf and Dumb and the Blind, was referred to the committee on finance.

A bill to incorporate the English and American Wool and Vine-growing, Mining and Manufacturing company, passed second reading.

A resolution concerning the public square, passed its several readings. [Appropriates $100 for the improvement of Union (or Capitol) square.]

A bill for the relief of guardians was laid on the table on second reading.

The bill to create a State agent, was made the special order for eleven o'clock, A. M., on Wednesday next.

A bill to amend chapter 114, revised code, in relation to money was put on its second reading. [Legalizes the taking of a rate of interest not exceeding ten per cent., there being a special contract between the parties.]

Messrs. Jenkins of Warren, Cameron and Dargan urged the passage of the bill.

Messrs. Burton, Caldwell, Kinney, McNair, and Smith of Hertford, opposed it.

The question recurring, the yeas and nays were ordered on motion of Mr. Kinney. The bill was rejected as follows:

YEAS—Messrs. Ashworth, Baxter, Beasley, Blair, Bonner, Bryson, Burgess, Burton, Caldwell, Craige, Davis of Carterett, Farrow, Flythe, Furr, Hamilton, Henry, Hodnett, Holderby, Hoke, Horton, Houston, Hutchison, Jenkins of Gaston, Jones, Kinney, Leigh of Tyrrell, Logan, Matthews, McDonald, McGuire, McKay, McNair, Melson, Moore of Chatham, Murphy, Murrill, Niven, Nicks, Palmer, Paschall, Potter, Rayner, Smith of Guilford, Smith of Hertford, Smith of Hertford, Scoggin, Teague, Trull, Waugh, Webb, Williams, Wilson, York—50.

NAYS—Messrs. Arrington, Black, Cameron, Candler, Carson, Chadwick, Cox, Crawford, Dargan, Faircloth of Greene, Faircloth of Wayne, Faison, Gaines, Garland, Harper, Harrison, Hawes, Jenkins of Gaston, Jenkins of Warren, Judkins, Kenan, Lee of Gates, Luke, Manly, Marler, McEachen, McIntosh, Moore of Martin, Murphy, Newsum, Page, Rosebro, Russell, Shaw, Simmons, Smith of Cumberland, Smith of Columbus, Thigpen, Wheeler—42.

This vote was subsequently reconsidered, on motion of Mr. Waugh, and the bill was made the special order for 12 o'clock M. to-morrow.

The special order for the hour of noon to-day viz: the bill concerning Negroes, Indians, &c., was postponed until 11 o'clock on Thursday next.

A bill restoring jury trials to the courts of Pleas and Quarter Sessions throughout the State passed its third reading.

Mr. Crawford (by leave) introduced a resolution in favor of Jacob Siler, Agent of the State for the sale of Cherokee Lands.

A message was received from the Governor communicating the resignation of W. W. Lenoir, Esq., one of the Councillors of State; also, a message relative to an appropriation made by Congress to the Cherokee Indians. This appropriation being contingent, upon permission being granted to said Indians to reside in the State, the Governor suggested the propriety of passing an act granting such permission. These messages were sent to the Senate. The House subsequentiy concurred in a proposal from the Senate, to refer the latter to a joint select committee.

The House then adjourned until 10 o'clock A. M. to-morrow.

SENATE.

TUESDAY, Feb. 6th, 1866.

Several reports from standing committees were submitted. The bills which they reported will be noticed when they come up for action.

CAROLINA JOINT STOCK AND INSURANCE COMPANY.

Mr. Whitford introduced a bill to incorporate the Carolina Joint Stock and Insurance Company, which was referred to the committee on corporations.

REGISTERING DEEDS, &C.

The engrossed bill extending the time for registering deeds and other conveyances, passed its third reading, and ordered to be enrolled.

CONSTABLES.

Mr. Covington's bill in relation to Constables and other officers, on its second reading, under a suspension of the rules, passed its third reading, and was ordered to be engrossed. It provides that all Constables, and other officers, collecting debts upon judgments and executions, issued by a Justice of the Peace, shall credit said judgment and sign the same for the amount received at the time of payment. Any officer failing to comply with the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined at the discretion of the court.

Other bills of importance which had been introduced at the first session, were referred. They will be noticed when they come up for consideration.

BONDS ON MARRIAGE LICENSES.

Mr. Gash's bill to abolish bonds on marriage licenses, was rejected on the second reading.

INTEREST ON STATE BONDS.

Mr. Berry's bill making provision for the payment of interest on State Bonds now due. [Provides for the issuing treasury notes to the amount of three million of dollars, payable on the 1st January, 1870, bearing one-fourth of one per cent. interest, with permission for carrying into effect the act and details thereof. Its importance will warrant its publication in full, should it pass.] The bill was discussed until the adjournment. Messrs. Berry, Morehead and Wiggins advocated its passage. Mr. Howard opposed it.

TRUSTEES OF THE UNIVERSITY.

During the discussion of the special order, the Senate concurred in a message to go into an election for two Trustees of the University. Mr. W. A. Jenkins of Warren was elected.

The Senate adjourned until 11 o'clock, to-morrow.

HOUSE OF COMMONS.

TUESDAY, Feb. 6th, 1866.

The House was called to order at 10 o'clock A. M.

The journal of yesterday was read and approved.

Mr. Garland introduced "a bill to alter the county lines between the counties of Yancey and Mitchell." Referred to the committee on Propositions and Grievances.

Mr. Hoke, "a bill for the relief of R. B. Paschal, late sheriff of Chatham county." Referred to the committee on the Judiciary.

Mr. Hutchison, a bill to incorporate the Rudisill Gold Mining Company, in Mecklenburg county. Referred to the committee on Corporations.

Mr. Bryson, a bill to authorize the election of a tax-collector for the county of Jackson. Referred to the committee on the Judiciary.

Mr. Chadwick, a memorial from citizens of Craven and Beaufort counties, praying the creation of a new county from portions of three respective counties. Referred to the committee on Propositions and Grievances.

ON CALENDAR.

The resolution restricting debate, introduced by Mr. Hodnett on yesterday was rejected—not receiving a two-thirds vote.

A bill to give further security to a widow for her year's provision, passed its second reading. On motion of Mr. Ashworth, the rules were suspended, and the bill, after further discussion, passed its final reading.

SPECIAL ORDER.

At 11 o'clock the House proceeded to reconsider the bill to amend the 114th chapter, Revised Code, in relation to usury.

Mr. Waugh moved to amend the bill by striking out, wherever it occurs, the word ten, as the maximum rate of interest to be legalized as between parties making special contracts for loans, and inserting seven instead.

Mr. Cameron opposed the amendment. It was obvious to every one upon reflection, that money should be put upon the same footing as other commodities, and its price regulated by the law of supply and demand. Money, when plenty, could always be had at moderate rates. Under the existing usury laws, unlawful interest had been exacted in many instances. They had brought into being, in most communities, note-shavers, wolfish creatures, who went round to the different courts with the stealthy tread of a cat, exacting usurious interest for loans, and pressing their nefarious claims to the earliest possible collection.

Mr. Burton, for the same reasons given on yesterday, was still opposed to the passage of the bill; it would have the effect of raising the rate of interest on the debt *now* existing in the State, and would only aid the trading and speculating portion of the community, the masses not desiring to borrow at a higher rate of interest than is now allowed by law, and gave as a case in point, that if a merchant could be allowed to borrow money at 10 per cent., and should do so, the consequence would be that he would at once turn on his debtors, have his bonds renewed, and incorporate in them the like rate of interest which they might be forced to do rather than be sued; and so in the case of all other debts now in existence. In times of ease he would not be opposed to the bill, but thought it would be exceedingly oppressive to the debtor at this time.

Mr. Caldwell opposed the bill. He belived its passage would prove detrimental to the best interests of the State. It would lead to no permanent investment of capital brought from abroad. The subsequent withdrawal of such capital, borrowed at such rates would still further impoverish our people.

Mr. Dargan again addressed the House in favor of the bill, and opposing the amendment.

Mr. Waugh moved that the bill be laid on the table, and on his motion, the yeas and nays were ordered.

The House refused to lay on the table as follows:

AYES—Messrs. Ashworth, Blair, Burgess, Burton, Caldwell, Craige, Dalby, Davis of Carterett, Furr, Henry, Hodnett, Holderby, Hoke, Horton, Houston, Hutchison, Kinney, Matthews, McDonald, McGuire, McIntosh, McKay, McNair, Melson, Moore of Chatham, Murrill, Niven, Nicks, Newsum, Palmer, Paschall, Potter, Smith of Guilford, Smith of Hertford, Scoggin, Teague, Trull, Waugh and York—40.

NAYS—Messrs. Arrington, Baxter, Beasley, Black, Bonner, Bryson, Cameron, Candler, Carson, Chadwick, Cowan, Cox, Crawford, Dargan, Dickey, Everett, Faircloth of Greene, Faircloth of Wayne, Farrow, Faison, Gaines, Garland, Gidney, Hamilton, Harper, Harrison, Hawes, Hyman, Jenkins of Gaston, Jenkins of Warren, Jones, Joyner, Judkins, Kenan, Lee of Gates, Leigh of Tyrrell, Logan, Duke, Manly, Marler, McAden, McEachen, Moore of Alamance, Moore of Martin, Murphy, Rosebro, Russell, Shaw, Smith of Columbus, Smith of Cumberland, Thigpen, Webb, Wheeler, Williams and Wilson—55.

The question recurring, Messrs. Smith of Hertford, Burton and Dalby opposed the bill.

Mr. McDonald said he was opposed to raising the rates of interest *one mill*.

Messrs. Jenkins of Warren, and Everett addressed the House in its support.

Mr. Wheeler moved to an end the bill by striking out the words "ten per cent.," and inserting "eight." Not agreed to.

The question recurring on the passage of the bill it was again rejected by the following vote:

YEAS.—Arrington, Beasly, Cameron, Chandler, Carson, Chadwick, Cowan, Cox, Crawford, Dargan, Dickey, Everett, Faircloth of Green, Faircloth of Wayne, Faison, Gaines, Garland, Harper, Harrison, Hawes, Hyman, Jenkins of Gaston, Jenkins of Warren, Joyner, Judkins, Kenan, Lee of Gates, Luke, Manly, Marler, McEachen, McIntosh, Moore of Martin, Murphy, Newsum, Page, Rosebro, Russell, Shaw, Simmons, Smith of Cumberland, Smith of Columbus, Thigpen, Wheeler—42.

NAYS.—Ashworth, Blair, Blythe, Bonner, Bryson, Burgess, Burton, Caldwell, Coats, Craige, Dalby, Davis of Carteret, Farrow, Ferrell, Flythe, Furr, Gidney, Hamilton, Henry, Hodnett, Holderby, Hoke, Horton, Houston, Hutchison, Jones, Kenney, Leigh of Tyrrell, Logan, McDonald, McGuire, McKay, McNair, Melson, Moore of Alamance, Moore of Chatham, Murrill, Niven, Nicks, Palmer, Paschall, Potter, Rayner, Smith of Guilford, Smith of Hertford, Scoggin, Teague, Trull, Waugh, Wheeler, Wilson, York.—Nays 52.

Mr. Ferrell, (by leave) introduced a bill in favor of W. H. High, late Sheiff of Wake county.

An engrossed bill for the benefit of the Firemen of the town of Wilmington, passed its several readings under a suspension of the rules.

A bill to incorporate the Trustees of the General Assembly of the Presbyterian Church of the United States of America—passed second reading.

On motion of Mr. Dargan, a messsge was sent to the Senate, proposing to elect forthwith two Trustees of the University.

The Senate, by message, announced concurrence, and the House having voted, adjourned until 10 o'clock to- morrow.

MEMORIAL OF THE TRUSTEES OF THE UNIVERSITY.

To the General Assembly of the State of North Carolina:

The memorial of the Trustees of the University of North Carolina, respectfully represents:—

That the situation of the Institution committed to their charge by your honorable body, imposes on them the duty of accounting to the Legislature for the administration of their trust, by an exhibition of a full and true statement of the condition and prospects of the University, and asking from the ——— authority, such interposition as may be deemed requisite to sustain and promote the prosperity and usefulness of the establishment.

From it our country has already derived the advantages of a general diffusion of liberal and scientific education, and to it, chiefly, she must look in future for a supply of able and upright members of her professions, teachers of youth and faithful and enlightened public servants. The trustees feel a deep interest in the welfare of the College, and sensible of its true value, have endeavored to execute, to the extent of their personal ability, and as far as their pecuniary means placed at their disposal would allow, the important public trust committed to them. They believe that the people of the State generally entertain a strong sense of the value of the institution to those now living, and its immense importance to future generations; and doubt not that your honorable body participates in that deep solicitude for the welfare of this Seminary of learning, established under an injunction of the constitution by your predecessors, and will upon due information and consideration, do whatever may be necessary to prevent its entertaining any loss, and especially that of existence.

The University has been in operation seventy years, and during that period has not ceased to impart to the people of the State and of the country, in the fullest measure of its ability, those beneficial influences which the Legislature contemplated in its foundation. In this time no less than seventeen hundred and twenty-one young men have received to their largest extent the advantages of a liberal education, and a number little less, if less even, have enjoyed the same advantages, so far as their time and means allowed. These have filled the learned professions with credit to themselves and honor to the country. They have been scattered over the whole South, and have occupied the highest places of dignity and service in law, in politics and in the church; and thousands in the more private walks of life have contributed to the diffusion of knowledge and good taste, and mental culture through all the grades of our community. The influence for good thus existed on the reputation and prosperity of our country, its material no less than its social prosperity, can never be computed in dollars and cents. The results are infinitely beyond the outlay.

On one occasion only—and that just in the middle period of its existence, thirty-five years ago—has this institution called upon the State for aid.—Even then its necessities were relieved without the use of the loan which the Legislature offered. From the beginning it may be said, almost litterally to have supported itself. At the outset of its career, it was endowed with such property as might come to the State by escheat—a resource which, for a while, was very productive, but now has become both scanty and uncertain. The only sum that the University has ever received directly from the Treasury of the State, the only sum that has been raised for its benfit, by the taxation of the people, is ten thousand dollars, which was loaned to it by the Legislature in December, 1791, and subsequently made an absolute gift. Will any one say that the University has not returned to the State an equivalent, many times over, for this donation?

From the time of that solitary gift, until the breaking out of the recent war, its career has been one of growing prosperity, and its income from this source, united with the interest derived from estates bequeathed and given by private persons, mostly soldiers of the Revolution, was rather in excess of its current expenses. In this way a very respectable fund had been gradually accumulating. This fund, however, the war has swept utterly away, and the result is, that the University has not now the means to sustain its life. Without aid it must speedily case to exist. In the general improvement of all classes of men among us, it cannot look to the benefactions of private persons for the relief it needs; and the only hope of its continued existence is in the wisdom and good will of your honorable body.

The investment and general management of the funds of the College have been conducted in compliance with the suggestions of the Legislature, and in a way which the most skilful financier also judged to be at the same time the most safe and the most profitable.

The exigencies of the State, however, during the war called for the use of them very much in its service, and the necessity imposed upon the State, since the peace, of declining to pay the war debt, has rendered the securities received for them entirely without value. The consequence of those events is, that the University is now, and is likely some time to be, without the means to continue its operations. The Professors have received during the past year less than one-fifth of their salaries, and there is no prospect that the institution will soon be able to supply them with enough for even the scantiest living. Without help they will be forced to disband, and that in a very few months.

It may be affirmed that the small sum which the college now needs has been already earned by it. In almost every year since its foundation, a number of students have received their education at this institution without charge. The sum thus bestowed by the college on the indigent and meritorious youth of the States would be enough, it is believed, to sustain it till better times shall come. The trustees have felt it to be their duty to make this statement of facts to the Legislature, which is, under the constitution, the guardian of the University. They will add, that a small sum only—so small that it can no where be felt as a burthen—paid annually for at the farthest, four or five years, would, they think, save the college; and they submit to your honorable body, with entire confidence in the wisdom of your decision, what they feel to be the question of its life or death.

JONATHAN WORTH, } In behalf of the
President of Board of Trustees of } Trustees of
the University of North Carolina. } the University.
DAVID L. SWAIN,
President University of North Carolina.

COMMERCIAL.

Wilmington Wholesale Prices Current.

☞ It should be understood that our quotations generally represent the wholesale price. In filling small orders, higher rates have to be paid.

BEESWAX, ℔ lb.	35 @	37	
BEEF CATTLE, ℔ 100 lbs.	8 00 @	12 50	
BRICKS, ℔ M.	18 00 @	25 00	
BARRELS, Sp'ts Turp., each,			
2nd hand	3 00 @	4 00	
New	4 50 @	5 00	
CANDLES, ℔ lb.,			
Tallow	20 @	25	
Adamantine	25 @	32	
Sperm	50 @	55	
COFFEE, ℔ lb.,			
Java	42½ @	45	
Laguayra	37 @	38	
Rio	30 @	32	
St. Domingo	26 @	28	
COTTON, ℔ lb.			
Ord. to Mid'g	38 @	41	
Strict Mid'g	40 @	42	
Good Mid'g	40 @	43	
COTTON BAGGING,			
℔ yard	30 @	32	
Dundee	28 @	30	
Rope, ℔ lb.	20 @	21	
CORN MEAL,			
℔ bushel	1 30 @	1 35	
DOMESTICS,			
Sheeting, ℔ yd.	30 @	32	
Yarn, ℔ 5 lb.	3 25 @	3 50	
FEATHERS, ℔ lb.	70 @	75	
FISH, ℔ bbl.,			
Mullets	9 00 @	12 00	
Mac'l, No. 1	1 00 @	00 00	
Mac'l, No. 2	17 00 @	00 00	
Mac'l, No. 3	0 00 @	16 50	
Her'gs, East.	8 00 @	10 00	
Dry Cod, ℔ lb.	4 @	5	
FLOUR, ℔ bbl.,			
Family	12 00 @	15 00	
Superfine	10 00 @	11 00	
Fine	8 25 @	8 50	
Cross	0 00 @	8 00	
GLUE, ℔ lb.	18 @	25	
GUNNY BAGS	00 @	40	
GUANO, Peruvian,			
Per ton	100 00 @	110 00	
LAND PLASTER,			
℔ ton		00 00	
GRAIN, ℔ bushel,			
Corn	1 10 @	1 15	
Oats	00 @	65	
Peas, Cow	0 90 @	1 05	
Rice, rough	2 50 @	3 00	
Rice, E. I., ℔ lb	10 @	11	
HIDES, ℔ lb.,			
Green	4 @	5	
Dry	10 @	15	
HAY, ℔ 100 lbs.,			
Eastern	1 25 @	1 80	
North River	1 15 @	1 20	
IRON, ℔ lb.,			
English, ass'd.	0 @	00	
American, ref.	6 @	00	
American, sheer.	0 @	00	
Swede	0 @	00	
LIME, ℔ bbl.	0 00 @	0 00	
from store	2 25 @	2 50	
LUMBER, ℔ M., (River,)			
Fl'r Boards	30 00 @	35 00	
Wide do	20 00 @	25 00	
Scantling	20 00 @	25 00	
LIQUORS, ℔ gal., (domestic,)			
Whiskey,			
Bourbon	2 50 @	5 00	
N. E. Rum	3 50 @	4 50	
Gin	4 00 @	7 00	
Brandy	4 00 @	9 00	
MOLASSES, ℔ gallon,			
Cuba	52 @	55	
Syrup	58 @	75	
NAVAL STORES, Turpentine ℔ 280 lbs.,			
New Virgin	0 00 @	0 00	
Yellow dip	0 00 @	4 30	
Hard	0 00 @	0 00	
Tar, ℔ bbl.	0 00 @	2 15	
Tar, in order	0 00 @	2 40	
Pitch, do	0 00 @	6 00	
Rosin, pale	0 00 @	9 00	
do No. 1	7 00 @	8 50	
do No. 2	5 00 @	6 50	
do No. 3	3 00 @	3 50	
Spirits Turpentine, ℔ gal.	55 @	57½	
NAILS, ℔ lb.,			
Cut	0 @	9	
Wrought	00 @	00	
OILS, ℔ gallon,			
Sperm	0 00 @	3 00	
Linseed	2 00 @	2 25	
Machinery	2 00 @	2 50	
PEA NUTS,			
℔ bushel	2 00 @	2 25	
POTATOES, ℔ bush.,			
Sweet	1 50 @	2 00	
Irish, ℔ bbl.	3 25 @	3 50	
PROVISIONS, ℔ lb.,			
N. C. Bacon,			
Hams	20 @	21	
Middlings	19 @	20	
Shoulders	18 @	19	
Hog round	19 @	20	
Western Bacon,			
Middlings	17 @	18	
Shoulders	15 @	16	
Lard	18 @	20	
Butter	40 @	80	
Cheese	20 @	22	
PORK, Northern, ℔ lb.,			
City Mess	32 00 @	34 00	
Clear Mess	00 00 @	00 00	
Butt	00 00 @	00 00	
Beef, Mess	00 00 @	00 00	
SALT,			
Alum, ℔ bush.	0 75 @	80	
Liverpool, ℔ sack, ground,			
cargo	2 50 @	2 75	
from store	2 75 @	3 25	
SUGAR, ℔ lb.,			
Porto Rico	15 @	16	
Muscovado	16 @	18	
L'f and crush'd	22 @	23	
C. Yellow	17 @	17½	
Granulated	20 @	22	
SOAP, ℔ lb.	12 @	15	
SHINGLES, ℔ M.,			
Contract	6 00 @	7 00	
Common	3 00 @	4 00	
STAVES, ℔ M.,			
W. O. bbl.	00 00 @	00 00	
R. O. hhd.	00 00 @	00 00	
Ash head'g	0 00 @	00 00	
TIMBER,

THE WILMINGTON JOURNAL.

WILMINGTON, N. C., FEBRUARY 8, 1866.

The Standard and the Deserter.

Truly characteristic indeed is the leader of the *Standard* of the 31st January. It is a long growl at the House of Commons, and through it at the entire South, her people and her institutions.—The pretext is the rejection from the proposed list of Justices of the Peace of the name of John C. Hill, of Randolph county. In this article is compounded a very large amount of that peculiar sentiment and ambition for which the editor of that paper has had credit among the intelligent people of North Carolina.

It is not an easy thing for one who has been educated under, and governed by, the laws of justice, truth and humanity, to read this editorial without feelings of contempt for the heart that could prompt such sentiments. How long! O, how long! is this true, and loyal, and peace-loving State to see the laws of honor and truth—of justice and humanity—of patriotism and State-pride—to be set at defiance and be treated as a thing of naught.

How great the mistake men ofttimes make, who, while they secretly and truly worship, in their souls, the Prince of Darkness, yet ostensibly before the world labor to obtain the credit that the [illegible] devout adoration of the Angel of Light. Judas did this; the great love of money and the applause of the world seduced Simon Magus into the faith and action. Mankind will derive but little wisdom from the teachings of the past, if they do not profit by such blatant lessons.

But what is the offence over which this State-hating, South-contemning editor grows so wrath, and fumes?

> "Shoots he on into tempest tost,
> Reveals a feather, or to drowned a fly?"

The House of Commons has dared to refuse to appoint John C. Hill, of Randolph, a Justice of the Peace. Why did it refuse? Because, says the editor, it was alleged he was a deserter from the Confederate army. Does he convict the House of Commons of a breach of duty, or of bad faith in so doing? Who believes if Mr. Hill had been a deserter from the Federal to the Confederate army that the action of the House would have been different? Who does not see in this instance a great principle of action, just and wise, governing and controlling the motives of men? Is there any man of honor or patriotism, who loves his country and its institutions, that finds in his heart the least valid reason or motive for objecting to this action of the Commons? The *Standard* indeed gives none; it is charitable, therefore, to suppose it has none.

But one object seems to have prompted this article—it studies in every other respect. An opportunity presented itself and the editor seized it—a thing at once enjoyed equally and oftimes by Stevens and a Greely—of raising his [illegible] and showing his teeth at a helpless, subjugated and ruined people. The attack on the Commons is but a pretext. His hatred is not specially for that body alone, except for his pursuit of a text for a sermon to the Radicals and abolitionists that he might, in his own language, "lecture" the members of Congress, and tell the North that they did refuse to allow a deserter to be appointed a Justice of the Peace) "solves the whole riddle of Southern politics;" except for this [illegible] action of the Commons, is to him unimportant and insignificant. But with it as a decoy to public attention, he discharges his thunder at the whole South—at her entire people—the father, the husband, the noble-hearted women, the young and rising generation, whose fathers gave their lives on a bloody field in defence of what they honestly believed to be the cause of liberty, liberty and patriotism—at her institutions, civil, religious, social and domestic—all, all are alike his enmity—his secret, covert, disguised hatred. He means nothing less in his attack. No other construction can be placed upon it. The writer desired to push home a fatal thrust at the South, but his arm is nerveless, while the fault is not in his motives—and he shrinks back, [illegible] blind a fitful, malicious, deceptious act of the House of Commons. He means more than he says; he says not precisely what he means—not all he purposes.

There is with the *Standard* intelligence enough to know that the man who deserts his flag and his country's cause, when honor and patriotism call him to liberty and glory, is presumptively unfit, because unreliable in any position of importance and responsibility. This is not unknown or without acknowledgment by the editor. His own language is forcible and emphatic. "We have no sympathy with any class of soldiers, whether Unionists or Confederates, home guards or *deserters*, or *outliers* or what not, who wantonly and cruelly plundered and scourged the inhabitants of this State. And we further hold, that a *man who volunteers or enlists should keep his plighted faith, though he should die for it.*" What if he does not keep his "plighted faith." The *Standard* admits he deserves to suffer all the penalties along the path of life, even up to death; he merits all of these—scorn and contempt, disgrace, infamy.—Yes, the offence of desertion is heinous enough to merit all these. Yet it is wrong, very wrong, not to appoint him a Justice of the Peace. His breach of faith as a deserter is so great that he is not worthy to live—death is his due—life is too good for him. Yet he is fit to be a Magistrate.

The editor is not only personal to this paper and the *Dispatch*, but he is intensely so to Mr. Davis and Gen. Lee and to Gov. Vance. His tomahawk is freely used upon his *quondam* favorite. Let us urge the readers of the *Standard* in days that are past, to mark the language urged against Mr. Davis, while a parallel is run according to the language he applies to him.

The writer says: "He (Mr. Davis) had plighted his faith;" did not Mr. Holden? "Yet he Mr. D. had neither the courage to fight:" did Mr. Holden? "Nor the shrewdness to run at the proper time to save himself:" but Mr. Holden did. "Again, there are hundreds of secession leaders in civil and private life," among whom is W. W. Holden, "who," like him, "swallowed great flakes of fire, and declared they would die before a Yankee should set foot upon our soil.—They survive"—so does W. W. Holden. "They deserted"—so did W. W. Holden. "They set the example to the poor conscript"—so did W. W. Holden, "whose wife and children," unlike W. W. Holden's, "were starving at home. All such leaders should have died in the war"—so should ——.

The temper and disposition of Congress is such that no absurdity on its part would create surprise. The correspondent of the Richmond *Examiner* says the joint resolution providing for the establishment of provisional governments over the eleven *insurrectionary* (that is, the late Confederate States,) is again to be taken up for debate. The Radical papers do not seem to think that act as necessary, for the "districts," lately known as States, are not to be represented in Congress. But if the bill were to pass, then the "districts" named would, as territories, be entitled to a delegate to the House! Could insanity go farther? How long will Congress abuse the patience of the country?

Common Schools.

We can scarcely find terms to express our gratification on being assured by the Superintendent of Common Schools, that the spirit of education is strong and hopeful among the masses, and the memory of trials overcome inspires courage to meet the lesser difficulties now confronting us. The feeling, usual among the people is, *that the schools must not go down.*

When told that the Literary Fund has been greatly reduced, and although they feel themselves unable to pay high taxes, yet they will not permit themselves to believe that the public schools will fail.

Mr. Wiley warns the authorities against the delusion of suspending the common schools for a more convenient season. He argues, to suspend is to destroy.

He alledges, it is doubtful whether we will ever accumulate a larger permanent school fund; we never will, if we permit a generation to grow up without education. When we lose our intelligence, we lose our appreciation of it; we lose the will to make sacrifices for it, and the energy to preserve it.

To those who ask, how are we to support the schools? he answers: I reply at once, by using the principal of the fund as long as it will last. In all moral concerns our business is with the present; if we will look to the things of to-day, those of to-morrow will take care of themselves. On the other hand, if we neglect the duties of the hour, we are sowing ruin for the future. We are not yet prepared to give our assent to this proposition to expend the principal of the fund, but our space is limited, and we must defer all remarks for a more favorable time.

REPORT OF THE COMMITTEE ON THE SUBJECT OF FREEDMEN.

RALEIGH, *January 22nd*, 1866.

To the Speaker of the House of Commons of the General Assembly of North Carolina:

SIR:—The Committee appointed by the provisional Governor in pursuance of a resolution of the recent Convention "to prepare and report to the Legislature a system of laws upon the subject of freedmen, &c.," herewith present their report, and request that through you, it may be laid bfore the General Assembly.

Respectfully,
B. F. MOORE,
W. S. MASON,
R. S. DONNELL. } *Committee.*

To the Honorable, the General Assembly of the State of North-Carolina:

The undersigned, a Committee appointed by the late provisional Governor, in pursuance of a resolution passed at the recent session of the Convention directing that a committee of three persons be appointed "to prepare and report to the Legislature at its next session a system of laws upon the subject of freedmen, and to designate such laws, and parts of laws, now in force, as should be repealed in order to conform the statutes of the State to the ordinance of the Convention abolishing the institution of slavery," have considered the matters intrusted to them; and here-with submit, as their report, "A bill concerning Negroes, Indians and persons of color, or of mixed blood;" and also several other bills differing, somewhat in character, from that one.

The Committee, in presenting their report, deem it proper that they should explain the course they have pursued; and to some extent, the reasons by which they have been governed.

Prior to the emancipation of slaves there had existed, in the State, three classes of population, besides Indians, to-wit: the whites, the slaves, and the free negroes; and for many purposes, there existed a special legislation for each class. Upon the emancipation of the slaves, the laws specially respecting them, ceased to have any force; and that class fell under the laws respecting free negroes: the political and civil condition of all the colored population became that which had already been established for the free negro. It became the duty, therefore, of the Committee to look through the entire body of the laws of the State, for the purpose of ascertaining what part of them governed the free negro, as distinguished from the white man. In performing this duty your Committee have deemed it the more advisable course, (as this species of special legislation was scattered throughout the civil and criminal laws,) to advise the repeal of all laws that specially affected the colored race, and re-enact such as, in their opinion, ought to exist; and also to recommend other and original legislation, when it was deemed expedient.—Believing that a brief synopsis of the several sections of the first named bill, and also, of the other bills, would not be unacceptable, they proceed to furnish it:

The first Section of the bill "concerning negroes," &c., defines who shall be deemed a negro or colored person, or person of mixed blood, within the generations designated.

The second declares that in all statutes and judicial proceedings, such a person shall be properly described by the term "person of color."

The third declares persons of color to be citizens of the State.

The fourth confers on them all the privileges of white persons in conducting their suits, and in the mode of trial by jury.

The fifth places the colored apprentice on the same footing with a white one; and leaves the law declaring in what cases they should be bound, as it now exists in the Revised Code.

By the sixth certain marriages, deemed to be not void but voidable, though celebrated in due form, between slaves or between slaves and free negroes, are declared valid.

By the seventh, certain past marriages between them, existing at certain fixed periods, by mere consent and without due celebration, are validated; and provision made for perpetuating the evidence thereof by being recorded.

By the eighth, inducements are held out to such as are thus married under section 7, to have their marriages recorded.

It has been held, that under our laws, the marriages of slaves by their own mere consent, and simply consented to by their masters are void; and, as the Legislature is forbidden to legitimate persons born in bastardy, the provision for such legitimation, which was contained in an ordinance offered before, but rejected by the Convention, (because of the adoption of the resolution under which the Committee are now reporting) must be again submitted to that body, or the freedmen now living will all be bastards, and incapable of inheriting from their fathers any estate which he may chance to die possessed of.

It is believed that a marriage merely voidable may be validated by the General Assembly; and that when thus confirmed, all the incidents of ratification follow; one of which is the legitimation of the issue previously born. But, it is more than doubted whether such result follows the enactment of a marriage under section 7.

By the ninth section, contracts between persons of color, and between them and whites, for live stock, are required to be in writing. The numerous thefts of such species of property, in which the whites and blacks associate together, require this provision; as thereby the thief will be the more certainly detected. The section also embraces other contracts of a certain value. And, one of its main objects is to protect the colored person from imposition by cunning, and the white man from the effects of corrupt evidence.

The tenth section makes void all marriages between whites and persons of color.

Section eleven allows persons of color to bear witness where their rights of person or property are concerned. In respect of this action the Committee will comment more at large hereafter.

Sections twelve and thirteen require no comment.

By section fourteen the criminal code affecting white persons, is extended to colored persons, in all things, unless otherwise expressly declared in the bill reported. The only exception in the bill, or in any law, which will exist after repealing such as are recommended to be repealed, will be found in section 13 of the bill reported, which punishes with death a person of color who may assault a white female with intent to ravish her.

The Committee observe that in some of the late slave-holding States, much legislation is employed to confer on persons of color the civil rights which belong to white men. In this State very little is necessary; indeed, to go beyond a repeal of the laws, which, from time to time, have been introduced, making distinctions between whites and colored persons. And, it may be observed, that some of the provisions of this bill which seem to confer rights and privileges, were strictly unnecessary; because persons of color were entitled to them without any new enactment. But it was deemed better, at this time, to solemnly declare them in a bill drawn to define their civil status.

Many years since, it was solemnly decided by the highest Court of the State, and indeed, it has been so regarded, that the term "freemen," (than which none used in the declaration of rights and the Constitution of the State, to describe a citizen, is of higher dignity,) included in its fullest extent, a free negro, whether free in 1776, when the Constitution was framed, or created so since by emancipation. He was, at the beginning of the late unhappy conflict of arms, and is now, included in the term "freemen," as used in that instrument.

This class of our population have never been debarred from owning any species of property, except by one enactment, that of 1861, which forbade them thereafter to own slaves. They have ever been protected from trial for crime, except through presentment by a grand jury, and trial by a petit jury, with all the rights of challenge accorded to white persons. They have ever been allowed trial in the same tribunals where, for like offences, the white man was prosecuted. The same common law which yet prevails so extensively in this State, and so widely, almost entirely, the duties of husband and wife, of parent and child, of guardian and ward, of master and servant, and of master and apprentice, exists alike for both classes. The same power of making contracts, and the same remedies enforcing them in courts open alike to both, are equally the rights of the one race and the other without distinction.

In a word, the common law is the law of the State in all matters where it has not been superseded by statute; where it exists, colored and white persons are equally protected under its shield, and exposed to its punishments; and where it is changed by statute, the change operates on all.

By sections 15 and 16, wardens of the poor, for persons of color, may be appointed. This is left to the discretion of the appointing court, only because, in some counties of the State, persons of color are too few in number to require an additional Court of Wardens.

The remainder of the sections of the bill are appropriated to the repeal of "such laws and parts of laws now in force, as, in the opinion of the Committee should be repealed in order to conform the statutes of the State to the ordinances of the Convention abolishing the institution of slavery," and the new condition of things arising out of the same.

Secondly, The Committee have deemed it their duty, in view of the great changes which have so suddenly taken place, to recommend the passage of certain laws equally applicable to both populations. It is conceded that the industry of the negro race has become greatly relaxed and demoralized, the natural consequence of which is an unsettled and roving disposition, a desire to avoid steady work, and a disposition to pick up a precarious existence by pretended hunting of wild game, through the woods. This is the cause to be wrought out.

It is well known to us to attempt to disguise the fact that this lounging of the white men, is greatly increasing the demoralization of the evil consequences are ready to follow. Indeed, they already exist. We conceive it to be among the first of legislative duties to check this demoralization and [illegible] the character of the entire population in a proper channel of industry.

Among the most efficient means of accomplishing this object, they deem the protection to every man's property against unauthorized intrusions, trespasses and thefts of the idle and vicious.

In our present unorganized condition there is no species of live stock which escapes the roving robber; and every man is plundered, when the market is convenient, of whatever may be found on his lands, to the amount of what is valuable for sale.

Wilful trespass, [illegible] have been a grievance to the community. The common law did not allow criminal prosecutions for this species of wrong, but the General Assembly have, from time to time, in many instances, departed from this rule, and extended protection against the wilful acts of trespassers. In proportion as [illegible] may increase the frequency of such wrongs, it will become the legislative power to follow them with appropriate remedies.

The Committee, therefore, report and recommend the passage of the following bills:

1. "A bill to punish persons persuading horses and other live stock with intent to steal them."

2. "A bill to prevent wilful trespasses on lands and stealing any kind of property therefrom."

3. "A bill to punish vagrancy."

In regard to this bill, the Committee have deemed it advisable to recommend the repeal of the two provisions upon the same subject, and the passage of this bill in lieu of both said provisions. The provisions to be found in the Revised Code, chap. 34, sec. 28, chap. 107, sec. 60; the former was intended for white citizens, and the latter for the free negro vagrants.

The bill here with reported embraces both populations:

4. "A bill to punish seditious language, insurrections and rebellions in the State."

In regard to this bill, the substance of it has long existed in the State, by several provisions to be found in the Revised Code and elsewhere. The bill now offered is intended as a substitute for all provisions upon the same subject.

5. "A bill to secure to agricultural laborers their pay in kind."

The object of this bill is to encourage the field laborer, by securing to him the fruits of his toil. Every legitimate means should be employed to stimulate industry, and the enjoyment of its fruits has ever been found the strongest incentive to produce the desired effect.

6. "A bill to prevent enticing servants from fulfilling their contracts, or harboring them."

This bill is a just companion with the preceding one. While it is the duty of the law-giver to secure to the laborer the promised rewards of his labor and toil, it is equally just to require him to comply with his deliberate and lawful contracts; especially when his employer surrenders to him, in the outset, the use of valuable lands which may prove to be worthless to the owner, if the laborer be not held to his contract. The inculcation of a strict observance of contracts is equally the parent and offspring of virtuous industry. And that man is no less a vicious member of society, who persuades and encourages another to be faithless to his word, than he who wilfully violates it. Both should suffer the sharp reproof of the law.

7. "A bill more effectually to secure the maintainance of bastard children, and the payment of fines and costs on conviction in criminal cases."

The purpose of this bill is to relieve the County Treasuries; *first*, from the burden of supporting bastard children, which are likely to greatly increase in number, in the midst of a demoralized population.

It is naturally just that the father should support his offspring, whether born in or out of wedlock. No one, if able to work, ought to be allowed to cast his spurious progeny on the charity of the industrious poor, whose toil is stretched to its utmost extent in supporting the public charges and their own virtuous families.

Secondly, From the burden of maintaining, at heavy expense, the judicial tribunals of the land established for the preservation of the public peace against the turbulence and violence of those who, having been the principal instrument of its breaches, seek, when brought to justice, to evade by an idle life, the payment of the costs of suppressing their own disorders.

As yet, no steps have been taken by that authority, which claims exclusive jurisdiction, both civilly and criminally, over all matters that concern the freedmen, to encourage or enforce the marriage of such as, while slaves, were long living together willingly, as man and wife. By the laws of this State the husbands and wives, popularly so called, of a population of 300,000 human beings, are lewdly and laciviously cohabiting together, without any other link of connection than their own free will. They may part when they choose, and select new partners for a day or month.—Among the whites such cases are indictable. If, after the courts shall assume their criminal jurisdiction, the colored people shall still be allowed to continue in the practice of such unlawful connections, without reproof or punishment, they will be in a more demoralized condition, in respect to that relation, which among all civilized human beings, is deemed so sacred, than were free persons of color, or even slaves, before the late epoch of emancipation. The former were not allowed to cohabit without marriage, duly celebrated; and the latter were much restrained from such licentious co-habitation, by the care and prudence of their masters.

If the Freedmen's Bureau will neither turn over to the civil authorities for correction, this species of crime, nor take efficient means, itself, for its correction, it will be impossible to elevate the race by any legislative means yet practiced or devised. No race of mankind can be expected to become exalted in the scale of humanity, whose sexes, without any binding obligation, cohabit promiscuously together. Among such a people, chastity can have no name or place; and the performance of parental duties, no encouragement or sanction.

It is much hoped that the Freedmen's Bureau will take the subject into serious consideration.

8. and lastly, "A bill to establish work-houses or houses of correction in the several counties of the State."

In the opinion of the Committee, this institution has been long since demanded, and now more than at any time heretofore. Though its cost, in the present embarrassed pecuniary condition of the country, may be somewhat burdensome, there is little doubt that, if managed with economy and care, it will soon prove a great relief to the honest industry of the country. The dread of involuntary labor is much more effectual to suppress misdemeanors and idleness than a few days of imprisonment, with a discharge of fines and costs under the insolvent debtor's law.

Without such a house the present jails will be unequal to contain those who will be committed to prison. Their proper enlargement for the reception of both species of population, and the different sexes of each population, will cost, at once, as much as a work-house and farm on a small scale, which may be enlarged as occasion may require.

The Committee have left it discretionary with the Justices of the Peace, whether they will establish such a house; because, in some counties it may be little needed, and others very greatly; and because, also, some counties are more able to establish them at once, than others are. If even one county shall establish such an institution, self-defence will soon render it necessary for all the adjacent counties to follow the example; and a few years only, will be requisite to extend the institution over the State.

If this, or some similar policy should not be inaugurated, it is not difficult to foresee that this State may become in the process of time, the land of immigration from all parts of the Union, of the demoralized freedman and the dissolute white man.

The Committee are aware that the great and radical changes occasioned by emancipation, in the fixed habits and custom of the people, cannot be truly estimated at once; and therefore, they forbear, as much as possible, to speculate by legislative anticipation, for such changes as may even probably become necessary in the course of time. They deem it the more prudent course to proceed now by new laws, only so far as the way appears to be clear. They prefer to let the common law apply its flexible rules for human conduct to the new state of things, rather than frame for it rigid, and perhaps misconceived legislation.

The General Assembly will perceive that we have omitted all such punishments as the involuntary hiring out of persons of color, and also, of whipping them, except in cases where white persons are thus punished.

Public whipping is a species of punishment which ought rarely to be inflicted on any one when it is the purpose of the law to reclaim from crime. The culprit thus punished becomes utterly degraded in public esteem; and it would be wonderful if he did not become so in his own. A freeman thus degraded, loses all incentive to virtue; and so far as his example can extend as a parent, or otherwise, he inoculates all his vices in those around him."

It may be said, and with perfect truth, that there are comparatively few of the slaves lately freed, who are honest; but this vice now so prevalent among them, may be traced to other and more probable causes than any natural depravity peculiar to the negro race, which, by some physiologists, are declared to be naturally destitute of moral principles, in a greater degree than any other people yet known. The Committee have not regulated their code by this doctrine. And if it were true, there is but the greater necessity for correcting the natural obliquity by proper civil institutions wisely administered. That the race is not beyond the reach of a proper moral training, is evident from the many examples among them of honesty, truth and honesty. If it owed its [illegible] to the African nature peculiar to the race, we ought to be able by this time, to trace some [illegible] of improvement in the mixture of its blood with that of other races of men.

The Committee have not discovered, nor has it been maintained, that the mixed blooded slave has been elevated in the moral virtues of the white race, as he advanced toward it in color. It may not be amiss to remark that the punishment by hiring, is rather of modern date. The first enactment to this effect was in 1831, and its constitutionality was seriously questioned by eminent lawyers, though settled by an able court.

Your honorable body will perceive also, that we recommend, that the Courts should be fully opened to the negro race, for protecting their persons and property, and all the rights of freemen, by being heard as witnesses, whenever these rights are in controversy.

The enactment recommended, allows their evidence in civil cases only where the rights of persons, or property of persons of color would be precluded by the judgments or decrees made in those cases. And in criminal cases, only where the violence, fraud, or injury charged to have been done by, or on them, is put directly in issue.

If the testimony is to be admitted at all, it ought to be extended to such cases. The effect of thus limiting it will not deny them any advantages, but on the contrary, will secure to them the most perfect protection that human evidence can afford. Beyond the accomplishment of this object we have not felt ourselves authorized to go. The result of allowing it to this extent will be, that when colored persons are parties, they may call to the witness stand the whole population of the land, not rendered incompetent by want of understanding, interest, or religious unbelief; while in cases where white persons alone are parties, white persons only will be competent witnesses.

The Committee will proceed to give some of the reasons which have induced them to recommend the reception of the evidence of negroes, as provided in section 11.

First. The present helpless and unprotected condition of the race demands it. Their condition of personal security is greatly changed. Prior to emancipation they were grouped on farms which they seldom left, and were overlooked by their masters or overseers, surrounded by families of white children.

They were not only watched by the whites to preserve the discipline necessary for servitude, and to prevent spoliations, but were cared for and protected as property. It was the slaveholder's interest to prevent, and, when committed, to punish any injuries done to the persons of their slaves. The interest of one slaveholder was the interest of all; so that their security was guaranteed by the common interest of the wealthiest and most powerful men in the country, and of course, of all their kindred and adherents, among whom, generally, were their poorer white neighbors. Thus the person of the slave (without reckoning the feelings of humanity which have generally characterized the slaveholders of this State) became the subject of general protection by every class of white men; and any outrage on his person a general cause for common vindication. With this shield of security, the white aggressor was checked in his violence; and if not, his detection was almost sure. These sources of personal security are all removed by emancipation, and, without the capacity to bear evidence, he stands in numerous cases utterly defenceless, except by opposing force to force against every species of outrage offered to himself or to his family; whether in his presence alone, or under the eye of other colored persons. If he should submit to the violence, and suffer the most grievous wrongs, there is no one who can be heard in his behalf; and he could expect, from his submission, nothing less than a repetition of his unredressed wrongs.

If he should oppose force to force, in the justest cause, whatever might be the result, his mouth and the mouths of all colored witnesses would be closed.

It is a truth not less obvious than established by all experience, that breaches of the peace always decrease in proportion to the facility and impartiality with which the violator is brought to justice. Citizens will not readily avenge themselves when the sword of the law is at hand to do it for them. But when the law is powerless, from whatever cause, the hand of private violence will be sure to come to the aid of self-defence. It is, therefore, clear that by protecting the person of the negro, we shall most certainly protect the person of the white man. If the former may be outraged in his own domicil, or in secret places, or along the highway in open day, with impunity, because he may be incompetent to testify to the wrong, he will turn from the door of the court house and seek his redress elsewhere, and in a way too that will likewise shut the mouth of him who may witness the act. Let no one suppose such a result improbable, if the great and just law giver of the Jews has himself set the example to an enslaved people.

Secondly. The admission of such evidence is necessary to secure the colored people in their rights of property.

While in slavery they had no property. What was set apart for their use belonged to their master, and was under his protection. In their new state they enter on the broad ground of citizenship, and become actors in all the departments of social life. They are allowed to trade with the white man in every article of property; to possess and cultivate lands; and, by all wise means, should be encouraged to habits of industry and a desire for honest acquisition.

The protection of a man's honest gains should ever be, after the protection of his person, the next great policy of a wise commonwealth. If the property which a negro shall own—his cattle, his money, may all be carried off, yea, his very house robbed of its furniture, and his person of his valuables by abandoned white men, and he shall be unable to bring the robbers to justice because the witnesses are colored, can the race feel any ardent disposition to labor for themselves? On the contrary, will they not feel doubly tempted by such want of security for their own property, to become depredators themselves, especially when they reflect that it is the white man's police, which thus exposes them to flagitious white men?

But, besides such glaring cases of public wrongs which would go unredressed by excluding their evidence, there are many of a more private nature, which depraved white men would perpetrate on them or procure to be done by their negro associates, as their instruments. Already the wicked white man and corrupt dependent negro have banded together in lawless thefts and frauds on industrious and peaceful citizens, both white and black; and the white associate, if negro evidence shall be excluded, will stand secure in his villainy behind his colored friend.

The calamity to public virtue and private rights would be incalculable, if those who were injured could not testify against the perpetrator of the crime. How shocked would every citizen of North Carolina feel, if the Legislature should enact that no person assaulted and beaten, no one whose property was stolen, no one robbed, and no one ravished, should bear evidence of the crime? The exclusion of negro evidence places the race in just such a condition.

The committee are of opinion that the protection of person and property imperiously demands that the evidence of colored persons be admitted for that purpose, unless it should be excluded upon some ground of public policy still higher than such as favors its introduction. We have heard of but one that is plausible, and that is the *general falsity of such evidence.* No one pretends that it is *universally false.* It is urged, however, that, for the greater part, the evidence is not reliable, and, if universally believed, would produce far more wrong than right.

We are fully aware of a lamentable prevalence of this vice among the race. It is a natural offspring of their recent slavery and degradation.

Forced to an involuntary servitude, and required to do many things against their will, without any apparent profit to themselves, it was natural for them to disobey, if they found temporary ease in disobedience; and, to avoid correction, it was equally natural for them to endeavor to escape it by falsehood. The vice of lying is, and ever has been, common to all people in slavery. Universal and unvarying truth is the highest and purest of all virtues; and if the most veracious persons only were competent witnesses, there would be many cases of the highest interest to the public without a single witness. Such a rule, however, has never marked the policy of justice in its investigation of facts.

It has been said that in a by-gone age, the rules of evidence with us were framed rather to exclude falsehood than to attain truth; but even when these rules were administered in this spirit, all persons above seven years old, of sufficient understanding, not religiously insensible to the obligations of an oath, nor parties directly interested in the cause, were competent witnesses, unless they had been rendered infamous by conviction of some infamous crime, and judgment rendered thereon. These were English rules of the common law; and, so long as they prevailed, there was no nation on the earth whose inhabitants were excluded as witnesses from English courts. It mattered not what was their color, clime or religion. It is probable that at a very early period, after the introduction of African slavery in this State, the slave was forbidden to testify against a white person, and, it is probable also that the exclusion was soon extended to free persons of color. Slaves were not allowed to bear testimony against free persons of color until 1821.

The policy of excluding such testimony was founded on two considerations. First, The entire and absolute dependence of a slave on his master, and their social relation which rendered him unfit to bear witness for or against his master; or for or against any person to whom his master extended his favor or dislike. Besides this, the settled policy was to humble the slave and extinguish in him the pride of independence. This latter policy was extended in 1821, to the free negro, who, it was alleged, was greatly corrupting the slave by claiming superior privileges over him.

Emancipation having destroyed the distinction, all legislation concerning the colored race, must be the same.

The rules regulating the admissibility of the evidence of white persons, with a few exceptions, remain with us as they were a century since. But all at once the slave has disappeared, and upwards of 300,000 free persons of color are added to the population; these, with those before existing, constitute one-third of our entire people. Shall they be admitted to the witness stand? If it ever was, it is certainly not now, our policy to degrade them. On the contrary, our true policy is to elevate them in every way consistent with the safety and good government of the community. They must be educated out of their ignorance, and reformed out of their vicious habits.

If the admission of their evidence will not seriously endanger the administration of our laws, our manifest policy is to allow it, for nothing, in our opinion, tends more to inculcate a regard for truth than the almost unavoidable detection of falsehood, which occurs in judicial investigations before a jury, where the parties and witnesses are known, and their manner and conduct are scrutinized in the ordeal of trial.

If it be true that either the negro race, or the negro in our midst, civilized as he is beyond his native condition, be so mendacious that he cannot be safely heard in our court of justice, it seems to us that it is one of your highest duties to exclude them as witnesses in all cases whatsoever, as well those in which they are the sole parties, as those wherein one of the parties is a white man; and above all things, not to allow persons of color to be convicted of capital felonies and deprived of life, on such unreliable evidence. If, to this suggestion, it may be truly replied, that he can be trusted when his own color is on trial, then it follows that he yet loves truth better than falsehood, unless he is seduced by his prejudices against the white man. Now, if this be so, this general characteristic of the race will soon develope itself, and thenceforth receive its just estimate at the hand of a white judge and a white jury. It is just truth, however, for us to admit that neither during the wonderful and enduring conflict of arms popularly announced, in their very midst, to be in behalf of their freedom, they did not exhibit, nor since its termination, have they exhibited any decided marks of prejudice against their late masters.

It must be conceded by the opponents of such evidence, that if strong prejudices be sufficient to exclude the testimony of witnesses, all experience teaches that public prosecutors, near kindred, and personal enemies ought to be set aside as incompetent; and, if general corruption be also sufficient cause for exclusion, the man, whose character for truth on oath, is proved by all his acquaintances to be bad, ought no more to be heard in the ascertainment of facts, than a negro. Yet in all these cases the witness is heard, subject to as many "grains of allowance" on account of his established and admitted infirmity as a jury may judge to be the proper measure. It is settled by our highest judicial tribunal, that the testimony of a witness who commits a perjury, apparent to the jury in the very case in which he is examined, must, nevertheless be weighed by the jury for what it is worth.

By the laws of all civilized Europe, regulating the competency of witnesses, none are excluded by reason of character, race, color or religion. We, ourselves, admit the semibarbarian of every continent and island; of every nation and tongue; of every religion, christian, heathen and pagan; and of every color, and race, unless he may be under the ethnological varieties of the human species, denominated *Negroes* and *Indians.*

We are not prepared to admit, nor indeed do we believe that the colored man in North Carolina is entitled to less credit on his *Christian* oath than the colored Musselmen, or heathen of Asia or Egypt, as of other parts of Africa, is who sworn on his *Koran* or other *symbols* of religious reverence. And when we consider the many thousands in the State, who are in full fellowship as christians, though we are quite sensible of the general demoralization which pervades them as a class, we feel little dread for the consequence which may attend the admissibility of their evidence as reported.

In offering our reasons for allowing the evidence, we have conceded the general demoralization of the colored population; but we should do great injustice to many of them, if we should close this report, without excepting from the stigma hundreds, who, throughout their lives, have conducted themselves in a manner altogether becoming the best of citizens, and deserving the very highest praise. These are lights, indeed, to others; and the consideration of respect in which they are held, ought to stimulate and encourage others of their race to practice the virtues of honesty and truth, which have served to distinguish the few.

The committee hitherto have argued that, if the proposed evidence be admitted, subject to the rules long established among us, and derived from our English ancestors, the administration of justice will leave little to apprehend from the depravity or prejudice of the witness. In proof of this they beg leave to invoke the attention of your honorable body in the recent experiments on those rules, made in England and in many of the United States. They will specially notice only those made in England within the last twenty-two years.

Up to the year 1845, like rules for the most part, prevailed in this State and in England. In that year a great innovation was made by statute 6 & 7 Vict. removing many disqualifications, because of interest in the witness. So beneficial to the ascertainment of truth (contrary to all previous theory) did this experiment prove, that, in 1852, the Parliament (St. 15 & 16 Vict.) took another and a very long step in the same direction, and allowed each party not only to put the other, but even himself, on the witness stand against his adversary. A proposition of this kind, made forty years ago in that country, would have been regarded as the vision of a disordered intellect; yet the daily practice under this law, has so illustrated its benefits that it is regarded as the most successful means towards perfecting the administration of justice in that country (a country which has no superior, if indeed any equal on the globe, in ever exhibiting the most intelligent and careful solicitude to provide for the rights of person and property in every subject within its vast domains.

Respectfully submitted,

B. F. MOORE,
W. S. MASON,
R. S. DONNELL.

Washington Items.

THE REPRESENTATION AMENDMENT—GENERAL GRANT TO BE IN TRAINING FOR THE PRESIDENCY—A NEW RADICAL JOURNAL, &C.

WASHINGTON, Jan. 31.

When I telegraphed last evening, to the effect that the Radicals were throwing off disguises as to hostility to the President, was exhibited in full force by Mr. Stevens to-day. The resolution for amending the Constitution which passed the House is vague. Certainly not two-thirds of the Senate will adopt it; for as the Executive, as stated in the proclamation from the State Department, recognized Southern States as now unrepresented in the Union, they must be so considered hereafter. Besides, the resolution implies that States may deny certain races or color the right of suffrage, whereas it has been assumed by the Radicals that Congress had the right to control the matter under the portion of the Constitution which provides for a republican form of government in States.

It will be seen that, by the proposed Constitutional amendment, that if all negroes are not allowed to vote, none of that race shall be counted for representation. Thus, a limited suffrage, based on property, or intelligence, or military service, will not count. States must take the entire black or be proscribed.

Politicians freely suggest, as the reasons of Gen. Grant's proposed visit to Europe, the desire of his friends to have him away from the political vortex during the agitation of political issues within the next year or two. At the end of the term he would be brought out for the Presidency with a clean record. The whole Radical crew will be glad to have him away from here.

A rumor prevails that a reliable Radical organ—one that is not one thing to-day and another to-morrow—is to be established here as a first-class morning journal.

I hear from an intelligent and substantial Republican source, that the Radical members of Congress are saying that division on the main question has taken place in the Cabinet. It is stated that Mr. Seward, Mr. McCulloch and Mr. Welles are for reconstruction, and stand for the President. Mr. Stevens would hardly have made his denunciatory speech to-day unless a wide and deep gulf was between the President and the Radical ascendancy in Congress.

THE PRESIDENT'S FORTHCOMING PEACE PROCLAMATION—THE RADICALS AND THE PRESIDENT—GEN. GRANT'S VISIT TO EUROPE.

WASHINGTON, January 30.—The day is not far distant when the President will issue a proclamation that peace exists throughout the country, and that all the States and the territories are in loyal relations to the general government.

The leading editorial of the *Chronicle* this morning is generally regarded among keen politicians as a breaking from the President. It is a rather slight indication, like a struggling of light through clouds and darkness, yet enough to the closely observant. Indeed, such are now the generally believed statements, as to the President's view, that it is transparent hypocrisy and utter falsehood for the Radicals to do otherwise to oppose him. While the leading Radicals simulate confidence in this cause, it is known that their force is demoralized. If the dictation of the Jacobinical committee upon reconstruction does not entirely succeed now, how will it be when the voices of the discontented tax payers shall thunder in their ears?

It is stated that General Grant will go to Europe under Government auspicies. A Government ship and officers for the same are suggested in official quarters, in connection with this new demonstration of our leading general. Perhaps General Sherman will be his successor *ad interem* in command of the army.

Rats are now killed by electricity in Paris. Bits of meat and sugar are placed on wires in connection with an electric battery; the rats nibble and are forthwith killed.